



2024 :DHC:5375



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 22nd April, 2024
Date of Decision: 19th July, 2024

+ RC.REV. 390/2015, CM APPLs. 13642/2015, 20034/2019

PRAMOD BHUSHAN

..... Petitioner

Through: Dr. Sarbjit Sharma, Ms. Rudrakshi
Gautam and Ms. Himani Rawat,
Advocates

versus

CHAMAN SINGH

..... Respondent

Through: Ms. Aditi Aggarwal and Mr. Yashraj
Sharma, Advocates

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CORAM:**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****J U D G M E N T****MANMEET PRITAM SINGH ARORA, J:**

1. This revision petition has been filed under Section 25 (B) (8) of the Delhi Rent Control Act, 1958 ('DRC Act'), assailing the judgment dated 29th June, 2015 ('Impugned Judgment'), passed by the Additional Rent Controller, South District, Saket Courts, New Delhi ('Trial Court'), whereby the Trial Court allowed the eviction petition bearing E. No. 91/2010.

1.1. The Petitioner herein is the tenant and the present Respondents herein are the legal heirs of deceased original Respondent/landlord (i.e., Sh. Chaman Singh).



2024 :DHC :5375



2. The original Respondent filed the Eviction Petition No. 91/2010 on 27th March, 2009 under Section 14 (1)(e) read with Section 25 (B) of the DRC Act, seeking eviction of the Petitioner herein from one shop on ground floor, admeasuring 13' x 48' ('Tenanted Premises'), in property bearing no. 31, Old Market, Malviya Nagar, New Delhi ('subject property'), as shown in red colour in the site plan attached with the eviction petition, on the ground of bonafide commercial requirement of the original Respondent and his family members i.e., his youngest son, Sh. Mackan Singh and his three grandsons through Sh. Mackan Singh.

2.1 The original Respondent i.e., Sh. Chaman Singh, expired on 17th March, 2017 during the pendency of this petition. His youngest son Sh. Mackan Singh was brought on record as his legal representative vide order dated 18th March, 2019 in view of last admitted Will dated 14th February, 2017 of late Sh. Chaman Singh. However, Sh. Mackan Singh as well died on 24th May, 2023 and thereafter, vide order dated 13th December, 2023 the sons of Sh. Mackan Singh i.e., the grandsons of Sh. Chaman Singh were brought on record. The present petition is being contested by the said grandsons as Respondents.

3. As per the averments in the eviction petition, whole family of the original Respondent lives in United Kingdom ('UK') and at the relevant time his youngest son, Sh. Mackan Singh, along with his three sons wanted to come back to India to do business; and in this backdrop the Respondent was claiming the eviction of the Petitioner from the tenanted premises. It was the stand of the original Respondent that his son, Sh. Mackan Singh, and the grandsons were dependent upon him for finances as well as accommodation.



2024 :DHC :5375



4. The original Respondent averred before the Trial Court that the area of 13' x 12.5' presently available on the rear side of the ground floor of the subject property was not a suitable alternate accommodation for Sh. Mackan Singh and the grandsons due to its small size and location in the building. It has come on record that the said portion on the rear side is being used through a caretaker appointed by the original Respondent for the business of plastics and is not lying vacant.

4.1 It was stated by the original Respondent that the Tenanted Premises which measures 13' x 48' is three times in size, faces the main road and was therefore, most appropriate for original Respondent's youngest son, Sh. Mackan Singh, and the grandsons to commence business.

4.2 It was further stated that the Tenanted Premises was purchased after the original Respondent had settled in UK, because he always had the intention of returning back to India.

5. The Petitioner in counter to the said submissions of the original Respondent averred before the Trial Court that none of the ingredients of Section 14(1)(e) of DRC Act are proved by the original Respondent.

5.1 It was stated that the original Respondent along with his youngest son and grandsons are all permanent resident of UK and have no intention of coming back to India.

5.2 It was stated that the original Respondent along with his family has always visited India on a tourist visa, which does not allow a person to engage in business in India.

6. The relationship of landlord-tenant was admitted and the Petitioner himself placed on record the rent deed dated 29th April, 1977.



2024 :DHC :5375



7. The application of the Petitioner seeking leave to defend was allowed vide order dated 14th February, 2012. The parties herein led evidence and post-trial the Trial Court allowed the eviction petition after recording its satisfaction that the original Respondent has a bona fide requirement of the Tenanted Premises for the use of his youngest son Sh. Mackan Singh and his three grandsons through Sh. Mackan Singh.

Submissions of counsel for parties

8. Learned counsel for the Petitioner contended that the eviction petition has been filed on false averments. He stated that the original Respondent had initially denied existence of rent deed dated 29th April, 1977, whereas after the same was brought on record by the Petitioner as Ex. RW1/2, the same is admitted by the original Respondent in his replication. He stated that on this ground alone, the eviction petition ought to have been dismissed. He stated that as per the recitals of the said unregistered rent deed, the lease is irrevocable and therefore, the eviction petition is not maintainable.

8.1 He stated that as per letter dated 24th October, 2013 received by the Petitioner from the Office of Foreigners Regional Registration Office ('FRRO') (Ex-RW1/3), the original Respondent traveled to India on tourist visa and it was not permissible for him to carry on business activities in India as per the conditions of the tourist visa. He stated that neither the original Respondent nor Sh. Mackan Singh or the grandsons applied for business visa. He states that the non-application of business visa evidences absence of intention to set up business in India. He states that the original Respondent, his youngest son Sh. Mackan Singh and the grandsons are all British nationals and it is impossible that they will leave behind United Kingdom and shift to Delhi for setting up business.



2024:DHC:5375



8.2 He stated that the original Respondent has other suitable accommodation available with him which are: (i) accommodation available on 1st and 2nd floor of the subject property; (ii) one shop at the ground floor on the rear side, ad-measuring 13' x 12.5', in the subject property; vacated by a tenant in the 2000. He stated that, therefore, the original Respondent has no bona fide need of the Tenanted Premises since he has other alternate accommodations available with him. He further stated that the original Respondent failed to prove that the accommodation on the 1st, 2nd and ground floor was insufficient for running his business. He stated that in the neighborhood all upper floors are also being used by the owners for commercial purpose.

8.3 He stated that in these facts the bona fide requirement of the original Respondent for himself and his dependent family members has not been proved and, therefore, the Trial Court fell in error in allowing the eviction petition. He relied upon the written submissions filed in support of his arguments.

9. In reply, learned counsel for the Respondent stated that the landlord-tenant relationship between the parties is duly proved and admitted.

9.1 He stated that the original Respondent diligently pursued the eviction petition inasmuch as he appeared before the Trial Court on several dates, stepped into the witness box and withstood the cross-examination. He stated that the original Respondent bonafidely required the Tenanted Premises for himself and his dependent family members.

9.2 He stated that the argument raised by the Petitioner that the original Respondent and his family members never visited India on business visa can never be a ground to counter the bonafide need of the original Respondent. He further stated that once the Tenanted Premises comes in the possession of the Respondents, they will certainly apply for the Business Visa.



2024:DHC:5375



9.3 He stated that the bonafide need and honest intention of the original Respondent can be ascertained from the fact that late Sh. Chaman Singh during his lifetime had executed Will dated 14th February, 2017 qua the subject property in favour of his youngest son, Sh. Mackan Singh, as he was dependent on late Sh. Chaman Singh for financial and accommodation requirement. He stated that thereafter, Sh. Mackan Singh, who was diagnosed with the last stage of cancer also diligently pursued the present revision petition as it was the intent of the original Respondent that Sh. Mackan Singh and his children are settled in the Tenanted Premises. He stated that Sh. Mackan Singh has also since passed away and the grandsons are pursuing this petition.

9.4 He stated that the Trial Court has correctly appreciated the unsuitability of the premises available in the rear portion as well as the upper floors of the subject property. He stated that after recovering the possession of the shop in the rear portion, the original landlord put it to use through his own caretaker for sale of plastics and did not let it out to any third party which proves that the original Respondent was seeking recovery of the Tenanted Premises bona fide for himself and his dependent family members.

9.5 He relied upon the judgments of the Supreme Court in **Balwant Singh and Anr. v. Sudarshan Kumar and Anr.**¹ and **Baldev Singh Bajwa v. Monish Saini**² as well as the judgment of this Court in **Sarwan Dass Bange v. Ram Prakash**³ to contend that the bona fide requirement of a non-resident Indian seeking eviction of the statutory tenants has been recognized by the Courts and on the same principles the Respondents herein are also entitled to seek eviction of the Petitioner herein.

¹ (2021) 15 SCC 75

² (2005) 12 SCC 778

³ 2010 SCC OnLine Del 351



2024:DHC:5375



9.6 He further relied upon the judgments of Supreme Court in *Sarla Ahuja v. United Insurance Company Ltd.*⁴ and *Abid-Ul-Islam v. Inder Sain Dua*⁵ to contend that the scope of revisional jurisdiction of the High Court under Section 25-B (8) of the DRC Act is circumscribed and the Petitioner's plea seeking re-appreciation of evidence in the written submissions is beyond the scope of the said jurisdiction. He relied upon the written submissions filed in support of his arguments.

Analysis and findings

10. This Court has heard the learned counsel for the parties and perused the record.

11. The Trial Court vide the impugned judgment allowed the eviction petition, with the following key findings:

- (1) That the tenant does not deny the ownership of the original Respondent and the relationship of landlord-tenant. Further, the landlord has filed complete chain of documents which proves the ownership of the landlord (i.e., the original Respondent herein).
- (2) The landlord's contention that there is nothing else that he needs to do to prove his bona fides for the tenanted premises is sound, given that, despite being a senior citizen, he has himself traveled to India on several occasions to defend the eviction petition.
- (3) That the tenant has failed to bring on record any document which would show that Sh. Mackan Singh and his sons are not dependent upon the landlord for the need of commercial accommodation in Delhi.
- (4) That only because the landlord has not visited India on Business Visa in the past, does not imply that landlord and his heirs have no

⁴ (1998) 8 SCC 119

⁵ (2022) 6 SCC 30.



intention to engage in any business activity in India in the tenanted premises in present or in future.

(5) That since the alternate space available on the ground floor is small compared to tenanted premises and moreover, the same is in the rear portion of the property; the same cannot be considered suitable alternate accommodation. The Trial Court observed that it is common knowledge that footfall in the front portion of a business establishment is more as compared to rear portion and, therefore, it cannot be said that the smaller accommodation available is 'suitable' for the commercial needs of the landlord and his dependent family members.

Eviction Petition for bona fide requirement by NRI Landlord vis-à-vis Safeguards for Tenant under Rent Statute

12. With respect to the finding of the bona fide requirement as well as the dependency of the youngest son Sh. Mackan Singh and three grandsons on the original Respondent, the Trial Court after appreciation of evidence returned the following findings of fact:

"24. ... I find force in the argument of learned counsel for the petitioner that what more petitioner is required to do to prove his bonafides for the tenanted premises that despite being a senior citizen, he came to India on many occasions to contest the present eviction petition. Moreover, the respondent has failed to bring on record any material to show that Shri Makhan Singh and his sons are not dependent upon the petitioner for the purpose commercial accommodation. No evidence has been brought by the respondent to show that Shri Makhan Singh and his sons are gainfully employed in UK and just because they have not come to India on "Business Visa" in the past, does not imply that they have no intention to engage into business activity in India once they get the possession of tenanted premises. ...

25. Another running issue which was raised while granting leave to defend was about the identity of son and grandsons of the petitioner, which after evidence has not only been disclosed by the petitioner, but copy of their passports have also been placed before Court by the petitioner to prove their identity and their relationship with the petitioner. Another point which was raised during grant of leave to defend is that petitioner has not explained as to



why he wants to leave his flourishing business in UK and settle in India. The petitioner in his evidence has specifically stated that he has retired from the said business and has also gifted his property, i.e. "Gobind House" and is now surviving on the old age Government pension which was not countered by the respondent. Moreover, the petitioner categorically stated that his son Shri Makhan Singh is barely meeting his ends and is totally dependent upon him financially. The respondent has not placed on record anything to show that either Shri Makhan Singh or his three sons, i.e., Shri Nirver Singh, Shri Nirbhao Singh and Shri Dharam Singh are having any established business or gainfully employed. Another point which was raised was mentioning of other shop in the site plan, which after evidence it is conclusively established that the other shop is being run by the petitioner through his representative Shri Pritam Singh. The other shop is measured around 13 ft x 15 ft whereas the tenanted premises is measured about 13 ft x 48 ft. The site plan (Ex.PW1/2) filed by the petitioner has not been disputed by the respondent as same being either wrongly depicting the measurements of tenanted premises or its position thereof. The petitioner wants to establish his son Shri Makhan Singh and his three grandsons, which in the opinion of this tribunal requires sufficient space and the shop in rear portion, which is measuring 13 ft x 15 ft, by all means is not sufficient to establish four people in the business, whereas the tenanted shop which is admittedly thrice the size of shop in rear portion, may satisfy the commercial bonafide requirement of petitioner and his family.

...

...

28. In view of the position of law, as enumerated above, it is the opinion of this tribunal that it is the right of every owner/landlord to use his property in the manner most suitable to him. If the petitioner is of the opinion that the property is required for the petitioner and his family member because of insufficiency of accommodation, then it would not be just or humane for this Court to direct the petitioners otherwise. The Court cannot ask the petitioner to make some other provisions of his requirements."

(Emphasis supplied)

13. The Trial Court relied upon the judgment of Supreme Court in **Baldev Singh Bajwa** (supra) and this Court in **Sarwan Dass Bange** (supra) to hold that the NRIs can seek eviction for their bona fide requirement. In fact, the Petitioner has not contested the legal position that a NRI is entitled to seek eviction of the tenant from tenanted premises for his/her bona fide requirement. In this regard, the reliance placed by the Respondent on the judgment of the Supreme Court in **Balwant Singh** (supra) is also apposite wherein the Supreme



Court while dealing with an eviction petition filed by a NRI observed that the rent statute prescribed requisite safeguards to prevent misuse of the special provisions enabling eviction in favour of the landlords. The Coordinate Bench of this Court in **Sarwan Dass Bange** (supra) took note of the restrictions and conditions inbuilt in the Act to ensure that the landlord, whether NRI, approaching the Tribunal for eviction has a genuine need and to prevent any mischief. The relevant para 17 of the judgment in **Sarwan Dass Bange** (supra), relied upon by the Trial Court is relevant and reads as under:

“17. The senior counsel for the petitioner/landlord has in this regards drawn attention to the judgment of the Supreme Court in Baldev Singh Bajwa Vs. Monish Saini (2005) 12 SCC 778. Though that judgment was on the provisions of the East Punjab Rent Restriction Act, 1949 relating to NRI's but the law laid down therein is of general application. The Supreme Court took up for adjudication, the contentious issue relating to the standard of proof required by the NRI landlord to prove his requirement of the accommodation from which ejection is asked for and the factors to be considered at the stage of granting leave to defend. It was held that the legislative intent is of expeditious disposal of the application for ejection of tenant filed on the ground of requirement by the landlord of the premises for his own occupation; a special category of landlords requiring the premises for their own use has been created; If there is any breach by landlord, the tenant is given a right of restoration of possession; the landlord who evicts a tenant on the ground of own requirement is not only prohibited from letting out the premises or disposing of the same but also required to use the same for his own residence only. It was held that these restrictions and conditions inculcate in built strong presumption that the need of the landlord is genuine; the conditions and restrictions imposed on the landlord make it virtually improbable for the landlord to approach the Court for ejection of tenant unless his need is bona fide no unscrupulous landlord in all probability, under this Section, would approach the Court for ejection of the tenant considering the onerous conditions imposed on him. It was further held that this inbuilt protection in the Act for the tenants implies that whenever the landlord would approach the court his requirement shall be presumed to be genuine and bona fide. It was further held that a heavy burden lies on the tenant to prove that the requirement is not genuine.

The tenant is required to give all the necessary facts and particulars supported by documentary evidence if available to prove his plea in the affidavit itself so that the Controller will be in a position to adjudicate and decide the question of genuine or bona fide requirement of the landlord; a mere assertion on the part of the tenant would not be sufficient to rebut the strong presumption in the



2024 :DHC :5375



landlord's favour that his requirement of occupation of the premises is real and genuine.

(Emphasis supplied)

14. Further it is apposite to refer to the case of **Baldev Singh Bajwa** (supra) wherein the Supreme Court while dealing with a batch of Special Leave Petitions, dealt with a case similar to the facts of the present case. In the said case the landlord was a born in Delhi, who later shifted to UK and was in possession of a Canadian passport. The said landlord filed eviction petition on the bonafide need of venturing into the business of transport and goods carrier. The tenant therein filed affidavit seeking leave to defend on the following grounds: (i) that the landlord holds a Canadian passport and visited India only on tourist visa and not a business visa; (ii) that landlord has no bonafide requirement as he and his family owns various shops around the tenanted shop; (iii) that there is no likelihood of the landlord returning to India permanently.⁶ The said leave to defend was rejected and Rent Controller therein held that there was no need to ascertain that whether landlord wanted to settle in India permanently as there are penal provisions which bind the landlord to use the tenanted premises as per the bonafide need shown. The said order of the Rent Controller was confirmed by the High Court and was thereafter assailed before the Supreme Court. The Supreme Court held that the restrictions imposed on the landlord in the rent statute points out to the genuine requirement of the landlord. The Court further held that both the Courts below were right in holding that the landlord need not to prove that he would permanently return to India in order to get the tenanted premises vacated. The relevant paragraph of the said judgment reads as under:

19.The restriction imposed on the landlord in all probability points to the

⁶ (2005) 12 SCC 778 (Para 5).



*genuine requirement of the landlord. **In our view there are inbuilt protections in the relevant provisions for the tenants that whenever the landlord would approach the court he would approach when his need is genuine and bona fide.** It is, of course, subject to the tenant's right to rebut it but with strong and **cogent evidence.** In our view, in the proceeding taken up under Section 13-B by the NRI landlords for the ejection of the tenant, **the court shall presume that the landlord's need pleaded in the petition is genuine and bona fide.** But this would not disentitle the tenant from proving that in fact and in law the requirement of the landlord is not genuine. **A heavy burden would lie on the tenant to prove that the requirement of the landlord is not genuine.** To prove this fact the tenant will be called upon to give all the necessary facts and particulars supported by documentary evidence, if available, to support his plea in the affidavit itself so that the Controller will be in a position to adjudicate and decide the question of genuine or bona fide requirement of the landlord. **A mere assertion on the part of the tenant would not be sufficient to rebut the strong presumption in the landlord's favour that his requirement of occupation of the premises is real and genuine.***

.....

*27. In the facts and circumstances of the case, the High Court was right in holding that **the landlord is not required to prove that he would permanently return to India.** From the material available on record it is apparent that the tenant had not placed before the Controller the cogent material in his affidavit or along with the affidavit to prove that the landlord is in possession of reasonable suitable accommodation as owner, to indicate that the landlord's need was not genuine and bona fide. In this circumstance, we do not find any infirmity in the order passed neither by the Controller refusing to grant leave to contest nor by the High Court dismissing the revision petition of the appellant.*

(Emphasis supplied)

14-A. In the facts of this case, the Petitioner except for contending as an argument that the original Respondent's son and grandsons cannot reasonably be expected to commence business in India has not brought on record any material to rebut the assertion of the original Respondent, who stepped into the witness box. The original Respondent, thereafter, his youngest son Mr. Macken Singh and after his death, the grandsons have been diligently prosecuting the present revision proceedings. There is nothing on record to cast doubts on their assertion to start business in the tenanted premises. It is also come on record



2024:DHC:5375



that there is no other commercial accommodation available to the grandsons in Delhi.

15. The Respondents have placed on record the fact that the shop in the rear portion recovered from the previous tenant in the year 2000 has been used by the original Respondent for selling plastic goods and not let out to any third party till date (after 24 years). The said fact further substantiates the submissions of the original Respondent as regards his bona fide requirement for the Tenanted Premises for his youngest son and grandsons.

16. The stringent conditions under Section 19 of the DRC Act shall ensure that the grandsons of the original Respondent use the tenanted premises for their use or else the consequences in law will follow; however, the plea of the Petitioner that the original Respondent's son and grandsons cannot even maintain a petition for recovery unless they had already started business in India is not made out in light of the law laid down by the Supreme Court as discussed above.

17. Therefore, in the light of law laid down by the Supreme Court as discussed above, the Trial Court in the facts of this case was correct in giving a finding on bona fide requirement in favour of the original Respondent/landlord and against the Petitioner/Tenant.

Availability of suitable alternate accommodation

18. With respect to the findings on the suitability of the Tenanted Premises for the requirement of the landlord as well, the Trial Court after considering the evidence, returned the following findings:

"24. ... The argument of the learned counsel for the respondent that the petitioner has deliberately not disclosed the alternate accommodation is summarily rejected, as the petitioner has categorically stated that the available space is not suitable for the proposed business since it is a small shop as compared to the tenanted premises and moreover, same is in the rear portion



*of the property. **It is common knowledge that footfall on the front portion of a business establishment is more as compared to rear portion.** The petitioner being a NRI cannot be denied the opportunity to use the property which is owned by him for his bonafide purpose only because of the reason that the same is under tenancy.”*

(Emphasis supplied)

19. The site plan of the ground floor of the subject property has been placed on record as Ex. PW 1/2 and is admitted by the parties. The suitability of the Tenanted Premises facing the main road as opposed to the shop in the rear portion facing the service lane is ex-facie evident on record. Similarly, with respect to the upper floors, it is admitted that the permissible use of the upper floors as per the sanctioned plan is residential as per the evidence led by the original Respondent as PW-1 and in any event the original Respondent cannot be forced to change the use of the upper floors or be compelled to commence business from the upper floors. The finding of the Trial Court on suitability therefore requires no interference.

20. The reliance placed by the Petitioner on the order dated 27th February, 2018 passed by the Rent Controller in a separate eviction petition filed by the original Respondent for eviction of the tenant from the basement in the subject property has been rightly distinguished by the Respondents with reference to paragraph 29 therein, where the Rent Controller has recorded that due to the orders of eviction passed for the Tenanted Premises (subject premises), no ground for seeking further eviction of the tenant from basement is made out by the landlord. No reliance can thus, be placed by the Petitioner on the said order.

Revisional Jurisdiction of High Court

21. The Petitioner during his arguments and in his written submissions in effect seeks re-appreciation of evidence by this Court, however, Supreme Court in ***Abid-Ul-Islam*** (supra) after considering the judgments of ***Sarla Ahuja***



(supra) and *Mohd. Inam v. Sanjay Kumar Singhal*⁷ held that the High Court in its revisional jurisdiction is not expected to substitute and supplant its views with that of the Trial Court by acting as the Appellate Court and in fact, reiterated that the scope of interference is very restrictive. The relevant paras 22 and 23 of the judgment in *Abid-Ul-Islam* (supra) reads as under:

“Scope of revision

22. We are, in fact, more concerned with the scope and ambit of the proviso to Section 25-B(8). The proviso creates a distinct and unequivocal embargo by not providing an appeal against the order passed by the learned Rent Controller over an application filed under sub-section (5). The intendment of the legislature is very clear, which is to remove the appellate remedy and thereafter, a further second appeal. It is a clear omission that is done by the legislature consciously through a covenant removing the right of two stages of appeals.

23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

(Emphasis supplied)

22. The Petitioner has been unable to show any error apparent on the face of record, which would necessitate interference by this Court in the findings of the Trial Court, which on the other hand have been passed after a detailed consideration of the evidence led by the parties and due consideration of the applicable law on eviction petitions filed by NRIs. In the present case, the eviction petition was filed in the year 2009 by the original Respondent and

⁷ (2020) 7 SCC 327.



2024:DHC:5375



thereafter, his legal heirs have been diligently prosecuting the eviction petition and considering the safeguards provided under Section 19 of the DRC Act against misuse by the landlord, this Court is of the opinion that the Petitioner has failed to make out any ground for interference in the impugned order.

Mesne profits during the pendency of this petition

23. This Court vide order dated 18th March, 2019 directed the Petitioner herein to pay Rs. 35,000/- per month w.e.f. 1st February, 2016 as use and occupation charges to the Respondent. The Court further directed that the arrears were to be cleared by the Petitioner within four (4) weeks and future payments were to be made on 7th of each calendar month. There was a submission made before this Court with respect to non-compliance of the said direction by the Petitioner. Accordingly. This Court on 28th August, 2023 further directed the Petitioner to ensure that all the payments with respect to use and occupation charges are paid up to 31st August, 2023 within four (4) weeks. In the light of these orders, the Petitioner is directed to ensure that all the monies towards mesne profits until 30th August, 2024 are paid to the Respondent as per the said orders, if not already paid.

24. The Petitioner is hereby granted six (6) weeks' time until 30th August, 2024 to vacate the tenanted premises and hand over peaceful possession to the Respondent.

25. The mesne profits of Rs. 35,000/- per month have been paid by the Petitioner w.e.f. 01.02.2016. There has been no enhancement in the said mesne profits in the past 8 ½ years and the Petitioner has benefited from the same. It is directed that if the Petitioner fails to hand over the vacant and peaceful possession by 30.08.2024, he shall become liable to pay enhanced mesne profit charges of Rs. 50,000/- per month w.e.f. 19.07.2024 until the date of handing



2024:DHC:5375



over of the possession. The unpaid mesne profits, will be recoverable by the Respondents in the execution proceedings.

26. In view of the aforesaid observations, the present petition is without any merits and the same is accordingly, dismissed. Pending applications stand disposed of. No order as to costs.

MANMEET PRITAM SINGH ARORA, J

19 JULY, 2024/msh/sk

Signature Not Verified

Digitally Signed
By: MAMTA RANI
Signing Date: 22.07.2024
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RC.REV. 390/2015

Page 17 of 17