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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RC.REV. 500/2018 & CM APPL. 43832/2018**

AMAN GROVER & ANR

.....Petitioners

Through: **Mr. S. C. Singhal and Mr. Parth Mahajan, Advocates.**

versus

PREM LATA

.....Respondent

Through: **Mr. Amulya Dhingra and Mr. Diwakar Singh, Advocates alongwith Mr. Deepak Arora in person.**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

23.08.2024

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1. The present petition is filed under Section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as '**the Act**') against the impugned order dated 21.07.2018 passed by the court of Sh. Ajay Nagar, CCJ-cum-ARC, West, Tis Hazari Courts, Delhi in eviction petition bearing ARC no. 25885/2016 titled as **Prem Lata V Aman Grover & Anr.**
2. The respondent filed an eviction petition under section 14(1)(e) of the Act on the ground of bonafide requirement against the petitioners bearing ARC no. 25885/2016 titled as **Prem Lata V Aman Grover & Anr.**
3. The petitioners after service of summons as per the Third Schedule, filed an application for leave to defend which was dismissed vide order dated 21.07.2018 as a result of which, an eviction order was passed in



favour of respondent and against the petitioners in respect of tenanted premises i.e. one shop admeasuring about 7'X7½' bearing private no.5, situated in the premises no. A-2/13, Moti Nagar, New Delhi-110015 (hereinafter referred to as '**the tenanted shop**') as shown in red in the site plan annexed with the eviction petition.

4. Perusal of the impugned order dated 21.07.2018 reflects that it was passed after considering all relevant facts and on the basis of sound principles of law and the impugned order dated 21.07.2018 does not call for any interference and is accordingly maintained.

5. The counsel for the petitioners, on instructions from the petitioners, stated that the petitioners are ready to vacate the tenanted shop and hand over the vacant possession back to the respondent (now represented through LR's) on or before 31.01.2025. The counsel for the petitioners further stated that the petitioners were directed to pay Rs.15,000/- per month as use and occupation charges vide order dated 01.08.2024 and after considering the financial position of the petitioners, the use and occupation charges @ Rs.15,000/- per month ordered to be paid vide order dated 01.08.2024 be waived.

6. The counsel for the respondent, on instructions from the LR's of respondent, stated that time till 31.01.2025 may be given to the petitioners to vacate the tenanted shop and till 31.01.2025, no use and occupation charges in terms of order dated 01.08.2024 shall be claimed from the petitioners.

7. In view of the above submissions made by respective counsel for the parties, the petitioners are given time till 31.01.2025 to vacate the tenanted shop. The respondent shall not be entitled to claim use and occupation charges from the petitioners in terms of order dated 01.08.2024. However,



the petitioners are directed to pay the rent as per the agreed rate. The petitioners are also directed not to sub-let, assign or part with the possession of the tenanted shop or any part thereof and shall not make any alteration or addition in the tenanted shop. The petitioners shall also pay the water and electricity charges, if any, to the concerned authority before handing over the vacant possession of the tenanted shop back to the respondent.

8. Accordingly, the present petition alongwith pending applications stands disposed of.

9. The petitioners are directed to file an undertaking in the form of an affidavit regarding the above mentioned conditions within a period of 02 weeks from today.

10. In case, the petitioners fail to hand over the vacant possession of the tenanted shop on or before 31.01.2025, in that eventuality, the LRs of the respondent shall be at liberty to initiate appropriate execution proceedings for recovery of possession of the tenanted shop and also to claim use and occupation charges in terms of order dated 01.08.2024.

DR. SUDHIR KUMAR JAIN, J

AUGUST 23, 2024

Ssc/am