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

+ **RC.REV. 556/2018 & CM APPL. 49086/2018**

YAHIIYA

.....Petitioner

Through: Mr. Javed Ahmad, Advocate
versus

QADIRUDDIN

.....Respondent

Through: Mr. Hari Shanker and Mr. Agradeep,
Advocates with the Respondent in
person

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

24.07.2024

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1. The present petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 to impugn the order dated 09.02.2018 passed by the court of Ms. Susheel Bala Dagar, Pilot Court (Central) Tis Hazari Courts, Delhi.
2. The respondent filed an eviction petition under section 14(1)(e) of the Delhi Rent Control Act, 1958 against the petitioner (now represented through LR's) in respect of tenanted premises comprising one room, store, tinshed, a kitchen and common latrine bathroom situated in property bearing number 3168, Phatak Teliyan, Turakman, Gate, Delhi as shown in red colour in the site plan annexed with the eviction petition.
3. The original tenant namely Yahiya failed to file an application for grant of leave to defend along with affidavit, as a result of which vide the impugned order dated 09.02.2018, an eviction order was passed in respect of the tenanted premises as detailed hereinabove. The petitioner (now represented through LR's) filed the present petition.
4. The perusal of the impugned order dated 09.02.2018, reflects that the



petitioner/tenant after being served with the summons as per 3rd schedule on 22.01.2018 has failed to file an application for leave to defend along with affidavit as a consequence of which an eviction order was passed in respect of the tenanted premises as detailed hereinabove. The impugned order dated 09.02.2018 does not call for any interference.

5. Mr. Javed Ahmad, Advocate for the petitioner on being instructed by the LRs of the petitioner/tenant, stated that they be granted time till 31.03.2025 to vacate the tenanted premises subject to the conditions that they shall not sublet, assign or part with the possession of the tenanted premises or any part thereof and also shall not make any addition, alteration in the tenanted premises. It is further stated that the LRs of the original tenant shall be paying the agreed rent on or before the last date of each English calendar month till the time they vacate the tenanted premises and before vacating the tenanted premises, they shall also clear water and electricity charges.

6. The counsel for respondent on being instructed by the respondent, who is present in the court, stated that the respondent is ready to grant time to the LRs of the original tenant till 31.03.2025 to vacate the tenanted premises subject to the conditions as mentioned hereinabove and also undertakes not to initiate any other proceeding for the execution of order dated 09.02.2018.

7. Accordingly, in view of the submissions made hereinabove, the substituted LRs of the tenant are permitted to vacate the tenanted premises on or before 31.03.2025. However, they are directed not to sublet, assign or part with the possession of the tenanted premises or any part thereof to any third person and not make any addition, alteration in the tenanted premises.



They are further directed to pay the rent at the agreed rate on or before last day of each English calendar month till the time they vacate the tenanted premises and are also directed to clear water and electricity charges to the concerned authority before vacating the tenanted premises.

8. It is further directed that they shall file an undertaking in the form of an affidavit to the said effect within 2 weeks from today.

9. In case the substituted LRs of the tenant fail to vacate the tenanted premises on or before 31.03.2025, in that eventuality, the respondent shall be at liberty to initiate appropriate legal proceedings against the petitioner.

10. The present petition along with pending application stands disposed of.

DR. SUDHIR KUMAR JAIN, J

JULY 24, 2024

sk/am