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

+ **RC.REV. 460/2017 & CM APPL. 36844/2017**

ASHWANI KUMAR

.....Petitioner

Through: Mr. Akhil Mittal, Mr. Sunil Mittal,
Mr. Vineet Kumar Mishra,
Mr. Keshav Mittal and Mr. Ritik
Gupta, Advocates

versus

VISHAL MOONDHRA & ORS

.....Respondents

Through: Ms. Ritu Sobti, Advocate with R-3 in
person

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

22.08.2024

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1. The present revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as the “Act”) to impugn the order dated 26.04.2017 passed by the court of Sh. Rajinder Kumar, ARC-2, Central District, Tis Hazari Courts, Delhi in eviction petition bearing no. E-195/15 (new no. 79259/2016) titled as **Vishal Moondhra & Ors. V Ashwani Kumar** whereby the application for leave to defend filed by the petitioner was dismissed.

2. The respondents filed an eviction petition bearing no. E-195/15 (new no. 79259/2016) under section 14(1)(e) read with section 25 B of the Act titled as **Vishal Moondhra & Ors. V Ashwani Kumar against the petitioner** against the petitioner in respect of the tenanted premises i.e. shop/room no. 11, Ground Floor as well as basement of shops no. 11 & 12



being part of the building/premises no. 3917, Roshan Pura, Nai Sarak, Delhi-110006, as shown in red colour in the site plan annexed with the petition (hereinafter referred to as “**tenanted shop**”). The petitioner after service of summons as per the Third Schedule of the Act, filed an application for leave to defend, which was ordered to be dismissed vide order dated 26.04.2017, as a consequence of which, an eviction order was passed in respect of the tenanted shop. The petitioner being aggrieved, filed the present petition.

3. The perusal of the impugned order dated 26.04.2017 reflects that the trial court has considered all the relevant facts as required under section 14(1)(e) of the Act and the impugned order does not call for any interference from this Court and is accordingly maintained.

4. Mr. Akhil Mittal, Advocate for the petitioner, on instructions, stated that the petitioner is ready to vacate the tenanted shop but he prayed that time till 28.02.2025 be given to vacate the tenanted shop.

5. Ms. Ritu Sobti, Advocate for the respondents, on instructions from the respondent no. 3 and other respondents, stated that the respondents agree to give time to the petitioner till 28.02.2025 to vacate the tenanted shop but subject to the conditions that the petitioner shall not sublet, assign or part with the possession of tenanted shop or any part thereof and shall not carry out any material addition or alteration in the tenanted shop. The petitioner be also directed to clear the water and electricity charges before handing over the vacant possession of the tenanted shop. The petitioner be also directed to pay the agreed rent till he vacates the tenanted shop in terms of the order dated 13.10.2017. She further stated that the respondents shall not initiate execution proceedings in respect of the impugned order dated 26.04.2017



against the petitioner till 28.02.2025.

6. Accordingly, in view of the submissions made hereinabove, the petitioner is given time till 28.02.2025 to vacate the tenanted shop and to hand over the vacant possession of the tenanted shop back to the respondents, subject to the conditions that the petitioner shall not sublet, assign or part with the possession of tenanted shop or any part thereof and shall not carry out any material addition or alteration in the tenanted shop. The petitioner is directed to clear the water and electricity charges, if any, before handing over the vacant possession of the tenanted shop and also to continue to pay the agreed use and occupation charges till the vacation of the tenanted shop in terms of the order dated 13.10.2017. It is made clear that if the petitioner fails to vacate the tenanted shop on or before 28.02.2025, in that eventuality, the respondent shall be at liberty to initiate appropriate legal proceedings including execution proceedings for recovery of possession of the tenanted shop.

7. The petitioner is directed to file an undertaking in the form of an affidavit to the above effect within 02 weeks from today.

8. The present petition along with pending application, stands disposed of.

DR. SUDHIR KUMAR JAIN, J

AUGUST 22, 2024

N/AM