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

+ **RC.REV. 486/2017& CM APPL. 38820/2017**

MANGAL SEN

.....Petitioner

Through: Mr. S. C. Singhal, Ms. Ramika
Munjral and Mr. Rohit Munjral,
Advocates

versus

RAKESH KUMAR & ANR

.....Respondents

Through: Mr. Ravish Kumar Goel, Mr. Nitin
Sharma, Mr. Aditya Jain, Mr. Pawan
Kaushik, Mr. Naresh Jha and
Mr. Akhileshwar Jha, Advocates

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

09.09.2024

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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 judgment and order dated 29.04.2017 passed by the court of Sh. Nipun Awasthi, ACJ-cum-CCJ-cum-ARC, (East), Karkardooma Courts, Delhi (hereinafter referred to as the “**trial court**”) in eviction case bearing RC ARC no. 462/16 titled as **Rakesh Kumar and Anr. V Mangal Sen**.

2. The respondents filed an eviction petition under section 14(1)(e) read with section 25(B) of the Act bearing RC ARC no. 462/2016 (old no. E-197/2011) titled as **Rakesh Kumar and Anr. V Mangal Sen** against the petitioner in respect of shop no. 242, Near Post Office Gali, Chotta Bazar, Shahdara, Delhi-110032 (hereinafter referred to as “**the tenanted premises**”).



3. The petitioner after service of summons as per the Third Schedule of the Act, filed an application for leave to defend along with affidavit which was allowed. The trial court vide impugned order dated 29.04.2017, after conclusion of the trial, has passed the eviction order in respect of the tenanted premises in favour of the respondents and against the petitioner. The petitioner being aggrieved, filed the present petition.

4. The perusal of the impugned judgment and order dated 29.04.2017 reflects that the trial court has considered all the relevant issues as raised by the parties and passed a reasoned order. There is no ground to interfere in the impugned judgment and order dated 29.04.2017 and the same are accordingly affirmed.

5. Mr. S. C. Singhal, Advocate for the petitioner, on instructions from the petitioner, stated that the petitioner is ready to vacate the tenanted premises but the petitioner be given time till 31.07.2025 to vacate the tenanted premises. He further stated that the petitioner is paying the use and occupation charges as determined by this Court vide order dated 06.02.2020 but from October, 2024 till the vacation of the tenanted premises, the petitioner shall be allowed to pay only the agreed rent to the respondents.

6. Mr. Ravish Kumar Goel, Advocate for the respondents, on instructions from the respondent no. 2 Vishal Gupta for himself as well as on behalf of the respondent no. 1, stated that the petitioner can be given time till 31.07.2025 to vacate the tenanted premises and the respondents shall be accepting the agreed rate of rent w.e.f. October, 2024 till the time the petitioner vacates the tenanted premises.

7. In view of the submissions made by the respective counsel for the petitioner and the respondents, the petitioner is granted time till 31.07.2025



to vacate the tenanted premises with the condition that petitioner shall not sublet/assign or part with the possession of tenanted premises or any part thereof and shall not carry out any material addition, alteration in the tenanted premises. The petitioner is also permitted to pay the agreed rent with effect from October, 2024 till the time the petitioner vacates the tenanted premises on or before on the last day of each English calendar month. The petitioner is also directed to clear the electricity and water charges before vacating the tenanted premises.

8. It is made clear that if the petitioner fails to vacate the tenanted premises till 31.07.2025, in that eventuality, the respondents shall be at liberty to initiate/continue appropriate legal proceedings including execution proceedings for vacation of the tenanted premises. The petitioner shall also become liable to pay the use and occupation charges in terms of order dated 06.02.2020 with effect from October, 2024 onwards.

9. The petitioner is also directed to file an undertaking in the form of an affidavit to the said effect before this Court within a period of 02 weeks regarding the vacation of the tenanted premises on or before 31.07.2025 and other conditions as agreed.

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

DR.SUDHIR KUMAR JAIN, J

SEPTEMBER 9, 2024

Sk/am