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

+ **RC.REV. 37/2025, CM APPL. 5332/2025**

RAMESHWARI AND ANR

.....Petitioners

Through: Mr. Arun Vohra, Advocate
(M:9811089104)..

versus

ROSHAN LAL GUPTA

.....Respondent

Through: Mr. Siddharth Agarwal, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

20.03.2025

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1. By way of present revision petition filed under Section 25-B(8) of the Delhi Rent Control Act 1958 (hereinafter, referred to as '*DRC Act*'), the petitioners seek to assail order dated 30.07.2024 passed by the Court of Additional Rent Controller, Tis Hazari Courts, Delhi in Eviction Petition, bearing ARC No.243/2022, vide which the petitioners' leave to defend application was dismissed and an eviction order was passed in favour of the respondent herein, for recovery of tenanted premises, i.e., 2292 (*half*) *Bahadurgarh Road, Med Ganj, Sadar Bazar, Delhi-110006* (hereinafter, '*subject property*').

2. Learned counsel for the petitioner states that he neither challenges the existence of landlord-tenant relationship between the parties nor challenges the aspect of ownership of the subject property. It is submitted that the the challenge in the present Petition is limited to availability of alternate suitable accommodation. He asserts that the learned Trial Court has not adequately



addressed the aspects of bona fide need and the availability of such accommodation.

3. After detailed arguments, learned counsel for the petitioners, on instructions from the petitioners, who are present in Court, submits that the petitioners undertake to vacate the subject property on or before 31.12.2025 and handover the physical and vacant possession of the same to the respondent/landlord. It is further submitted that in the meantime, the petitioners also undertake not to create any third party rights in the subject property. Learned counsel states that an undertaking in the form of an affidavit to the above effect would be filed within a period of one week from today.

4. Learned counsel for the respondent submits that he has no objection to the same, subject to the petitioners paying the user and occupation charges, @ Rs.4,000/- per month, alongwith the electricity and water charges, from the passing of the eviction order until the handing over possession of the subject property to the respondent/landlord.

5. At this stage, learned counsel for the petitioners submits, on instructions, that the petitioners accedes to the above and undertakes to pay user and occupation charges. The gate-pass of the petitioners has been handed over in the Court today which are taken on record.

6. In view thereof, let an Undertaking by way of an Affidavit be filed by the petitioners within a period of two weeks from today, undertaking that:

- (i) The petitioners shall hand over the vacant, physical and peaceful possession of the subject property on or before 31.12.2025.
- (ii) The petitioners shall state that the entire subject property is under his occupation and control and shall not create any third-party rights or



part with possession of the subject property prior to handing over its possession.

- (iii) The user and occupation charges, fixed @Rs.4,000/- per month, shall be paid from the passing of the eviction order until the date of handing over of the vacant, physical and peaceful possession on or before 10th day of each calendar month;
- (iv) The petitioners will pay all electricity and water charges, for the subject property until the date of handing over of the vacant, physical and peaceful possession thereof;
- (v) The arrears shall also be paid within two months from today.
- (vi) The petitioners shall remain bound by the Undertaking.

7. Subject to the petitioners filing the aforesaid Undertaking before this Court within two weeks from today, execution of impugned order shall remain stayed till the subject property is handed over on or before 31.12.2025.

8. In the event that the petitioners default in complying with the terms of the Undertaking filed, the interim protection shall stand recalled with liberty to the respondent to take recourse to appropriate proceedings for recovery of possession, recovery of the user charges/damages at market rate from the date of the impugned order, in accordance with law.

9. The present petition is disposed of in the above terms alongwith the pending application.

MANOJ KUMAR OHRI, J

MARCH 20, 2025/rd