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

+ **RC.REV. 95/2025, CM APPLs. 16369-16370/2025**

M/S V. BHALLA AND CO.

.....Petitioners

Through: Mr.Prag Chawla, adv.

versus

RITU JAIN

.....Respondent

Through: Ms.Shalini Kapoor, Mr.Udit Bhatiani
and Ms.Divyanshi Saxena, Advts.
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

25.03.2025

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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 13.09.2024 passed by the Sr.Civil Judge-cum-Rent Controller, Tis Hazari Courts, Delhi in eviction petition bearing Case No. RC ARC No.285/22 vide which the petitioner's 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., shop bearing no. 689, Chitla Gate, Chawri Bazar, Delhi-110006, (hereinafter, '*subject premises*').

2. The matter was kept for counsel for the petitioner to come back with instructions. Learned counsel, on instructions from the petitioner, states that the petitioner undertakes to vacate the subject premises and hand over the



peaceful and vacant possession to the respondent/landlord within six months from today, subject to payment of monthly user and occupation charges at the rate of Rs.1000/- per month. 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.

3. Ms. Shalini Kapoor, learned counsel for the respondent, on instructions from the respondent, submits she has no objection to the aforesaid proposal subject to the petitioner paying the water and electricity charges along with the arrears, if any, till the handing over possession of the subject premises to the respondent/landlord.

4. At this stage, learned counsel for the petitioner, on instruction, submits that the petitioner also undertakes to pay water and electricity charges along with arrears, if any, till the handing over of possession.

5. Accordingly, the submissions made on behalf of the petitioner are accepted and taken on record. The petitioner shall also place on record an undertaking in the form of an affidavit within 1 week from today, undertaking that:

- (i) The petitioners shall hand over the vacant, physical and peaceful possession of the subject premises within 6 months from today.
- (ii) The petitioners shall state that the entire subject premises 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 shall be paid by the petitioner in the



sum of Rs.1,000/- per month along with water and electricity charges till the date of handing over of the vacant, physical and peaceful possession on or before 10th day of each calendar month;

(iv) The petitioner as well as the legal heirs of the petitioner shall remain bound by the undertaking.

6. Subject to the petitioner filing the aforesaid undertaking before this Court within a week from today, execution of impugned order shall remain stayed till the subject property is handed over within 6 months from today.

7. In the event that the petitioner defaults 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.

8. The present petition along with pending applications is disposed of in the above terms.

MANOJ KUMAR OHRI, J

MARCH 25, 2025

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