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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 165/2019 and CM APPL. 12320/2019**

HASNAIN HAIDER & ANR

.....Petitioners

Through: Mr.RM Bagai and Mr.Mohd. Yasir,
Advocates

versus

TAHSEEN BEGUM

.....Respondent

Through: Mr. Saurabh Duggal, Mr. Rajan
Kumar, Mr. Mayank and Mr. Kush,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
17.03.2025

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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 29.11.2018 passed by the Court of Additional Rent Controller, Tis Hazari Courts, Delhi in eviction petition, bearing Case No. E-896/17 & CIS No. 1035/17, 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., 3366, Ground Floor, Bagichi Achhe Ji, Bara Hindu Rao, 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. He further submits that his contentions are confined, *firstly*, as to the incorrect finding recorded in the impugned order on the aspect of the area under occupation of the respondent/landlord and *secondly*, that the grounds on which the impugned order came to be passed appears to be under Sections 14(1)(f) and (g) of the DRC Act whereas the present petition came to be filed under Section 14(1) (e) of DRC Act.

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 within 9 months' time 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, on instructions from the respondent, who is present in Court, submits that he has no objection to the same, subject to the petitioner continuing to pay user and occupation charges, as directed in the order dated 25.04.2019, alongwith the electricity and water charges, till 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 petitioner accedes to the above and undertakes to continue paying the user and occupation charges alongwith water and



electricity charges and arrears, if any, till the vacation of the subject property.

6. In view thereof, let an Undertaking by way of an Affidavit be filed by the petitioner within a period of one week, undertaking that:

- (i) The petitioners shall hand over the vacant, physical and peaceful possession of the subject property within 9 months from today.
- (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 shall continue to be paid by the petitioners in the sum of Rs.2,000/- per month till the date of handing over of the vacant, physical and peaceful possession on or before 7th day of each calendar month;
- (iv) The petitioner will pay all electricity and water charges, for the subject property till the date of handing over of the vacant, physical and peaceful possession thereof;
- (v) The petitioner shall remain bound by the Undertaking.

7. Subject to the petitioners 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 9 months from today.

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 17, 2025

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