



\$~67

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

+ **RC.REV. 104/2025**

AMIT KUMAR

.....Petitioner

Through: Mr.Raghavendra Mohan Bajaj and
Mr.Zeeshan Ahmad, Advocates with petitioner in
person

versus

BASMATI DEVI & ORS. & ORS.

.....Respondents

Through: Mr.Raghav Narayan and Ms.Shiv Jyoti
Sharma, Advocates with respondent No.1 in
person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

27.03.2025

CM APPL. 17979/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

RC.REV. 104/2025 and CM APPL. 17978/2025 (stay)

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 judgment dated 01.07.2024 passed by the Court of Ld. SCJ cum RC (North-West), Rohini Courts, Delhi in Eviction Petition, bearing RC/ARC No.27/2019, vide which the petitioner/tenants' leave to defend application was dismissed and an eviction order was passed in favour of the respondents/landlords herein, for recovery of tenanted premises, i.e.,



No. F-110, First Floor, Vijay Vihar Phase-I, Near Ram Darbar Mandir, Delhi-I 10085 (hereinafter, 'subject property').

2. After detailed arguments, learned counsel for the petitioner, on instructions from the petitioner who is present in Court, submits that the petitioner undertakes to vacate the subject tenanted property within 9 months' time and handover the physical and vacant possession of the same to the respondents/landlords on/before 31.12.2025. It is further submitted that in the meantime, the petitioner also undertakes 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 two weeks from today.

3. Learned counsel for the respondents submits that he has no objection to the same, subject to the petitioner paying the user and occupation charges, @ Rs.2,000/- per month, alongwith the electricity and water charges including the arrears beginning from 01.07.2024 i.e., date of passing of the impugned order, will also be cleared in three equal monthly installments.

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

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

- (i) The petitioner shall hand over the vacant, physical and peaceful possession of the subject property on or before 31.12.2025.
- (ii) The petitioner 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.2,000/- 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 7th day of each English calendar month;

(iv) The petitioner 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 till date, if any, shall also be cleared in three equal monthly installments.

(vi) The petitioner shall remain bound by the Undertaking.

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

7. In the event of default in complying with the terms of the Undertaking filed, the interim protection shall stand recalled with liberty to the respondents 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. At this stage, learned counsels for the parties pray that the primary dispute having been resolved, their ancillary issues for which the parties are in civil and criminal litigation with each other, be referred to mediation.

9. Accordingly, list the matter before *Samadhan*, Delhi High Court Mediation & Conciliation Centre on 08.04.2025.



10. In view of the above, the present petition is disposed of alongwith the pending application.

MANOJ KUMAR OHRI, J

MARCH 27, 2025

na