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

+ **RC.REV. 459/2019, CM APPL.17222/2025**

HASEEN BEGUM

.....Petitioner

Through: Ms. Zehra Khan, Mr. Delphina
Shinglai, Advocates with petitioner in
person.

versus

FAIZUNNISA & ORS

.....Respondents

Through: Mr. Rashid Hashmi, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.03.2025

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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 petitioner seeks to assail order dated 08.02.2019 passed by the Court of Rent Controller, Tis Hazari Courts, Delhi in eviction petition, bearing Case E. No.79520/2016 titled 'Mst. Faizunnisa & Ors. v. Mst Haseen Begum', vide which the petitioners' leave to defend application was dismissed and an eviction order was passed in favour of the respondents herein, for recovery of tenanted premises, i.e., 2171-2172, Roadgaran, Lal Kuan, Delhi-110006 (hereinafter, '*subject property*').

2. Learned counsel for the respondent, on instructions from the respondent, states that the respondent is agreeable to the time period of three months for the petitioner to vacate the subject property, subject to payment of user and occupation charges. He submits that the petitioner has not paid the arrears as directed and has paid use and occupation charges only for the



month of March, 2025.

3. Learned counsel for the petitioner, on instructions from the petitioner, who is present in Court, states that the petitioner undertakes to vacate the subject premises on or before 30.06.2025 and also to pay use and occupation charges @ Rs.10,000/- per month for the month of April, May and June, 2025 on or before 7th day of each English Calendar Month. She further states that the petitioner would not create any third party rights and would continue to pay water and electricity charges, as well as arrears for the same if any, till she vacates the premises. The petitioner has handed over her self-attested gate-pass alongwith copy of Aadhar Card and the same is taken on record. The petitioner is made bound by the statement made in Court today. Learned counsel states that a formal undertaking in the form of an affidavit to the above effect would be filed within a period of ten days from today.

4. At this stage, learned counsel for the respondents states upon instructions, that in view of the undertaking of the petitioner to vacate on or before 30.06.2025, the respondents would not insist on payment of arrears of use and occupation charges prior to the month of March 2025.

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

- (i) The petitioner shall hand over the vacant, physical and peaceful possession of the subject property on or before 30.06.2025.
- (ii) The petitioner shall state that the entire subject property is under her 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



petitioner in the sum of Rs.10,000/- per month for the months of April, May and June, 2025 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 shall 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.

6. Subject to the petitioner filing the aforesaid Undertaking before this Court within ten days from today, execution of impugned order shall remain stayed till the subject property is handed over on or before 30.06.2025.

7. In the event that the petitioner's 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. The present petition is disposed of in the above terms alongwith the pending application.

9. The date already fixed , i.e. 23.07.2025 stands cancelled.

MANOJ KUMAR OHRI, J

MARCH 28, 2025/rd