



\$~25

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

+ RC.REV. 27/2025, CM APPL.3923/2025

M/S RENU JAIN AKSHAT JAINPetitioner

Through: Mr. Anmol Joshi, Advocate with
petitioner (through VC).

versus

GUDDI SETHI & ORS.Respondents

Through: Mr. C.M. Sharma, Advocate for
respondent no.1 with respondent no.1
in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

26.03.2025

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 03.08.2014 passed by the Court of Additional Rent Controller, Tis Hazari Courts, Delhi in eviction petition, bearing Case E. No. 142/2023 RC ARC No.495/2023, vide which the petitioner's leave to defend application was dismissed and an eviction order was passed in favour of the respondents herein, with respect to the tenanted premises, i.e., 5658, *First Floor, Ward No.VI, Kucha Khan Chand, Nai Sarak, Delhi-110006* (hereinafter, '*subject property*').

2. In the first call, after detailed arguments, learned counsel for the petitioner, sought Passover to take instructions. In the second call, learned counsel and the petitioner joined the proceedings. On instructions from the petitioner, learned counsel states that the petitioner undertakes to vacate the



subject property and handover the physical and vacant possession of the same to the respondents/landlord within one month. It is further stated that in the meantime, the petitioners also undertake not to create any third party rights in the subject property. He states, upon further instructions that the arrears up to this month, if any, on account of use and occupation charges, shall be cleared within one week. Learned counsel lastly 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. Learned counsel for the respondent No.1, on instructions from the respondent No.1, who is present in Court, submits that he has no objection to the same, subject to the petitioner complying with the aforesaid undertaking. He also submits, on further instructions, that the respondents would not insist on payment of user and occupation charges for the next month provided the petitioner vacates the subject property within 1 month.

4. 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 petitioner shall hand over the vacant, physical and peaceful possession of the subject property within one month from today.
- (ii) The petitioner shall state that the entire subject property is under its 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 arrears of user and occupation charges till date, if any, shall be cleared before handing over of the vacant, physical and peaceful possession;
- (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 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 one month from today.

8. 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 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.

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

MANOJ KUMAR OHRI, J

MARCH 26, 2025/rd