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

+ RC.REV. 387/2016 & CM No.28741/2016

YOGESH KUMAR

..... Petitioner

Through Mr.Rajiv Kumar Sharma &
Mr.Harindra Singh, Advocates
alongwith petitioner in person

versus

MUKESH DEVI

..... Respondent

Through Mr.Girish Chandra, Advocate

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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17.10.2016

The petitioner is present in person along with his counsel. The undertaking/ statement of the petitioner has been recorded in court.

The petitioner has undertaken today in court to vacate the suit property/shop No.G-62, Gali No.3, Moni Baba Mandir Road, Brahampuri, Delhi-110053 within one year from today, i.e. on or before 16.10.2017 and to hand over vacant possession to the respondent. The other terms and conditions have also been stated in the undertaking/statement of the petitioner recorded today. The undertaking/ statement is taken on record and the petitioner shall remain bound by the same.

The petitioner submits that in view of the above undertaking, he does not want to press the present petition. He, however submits that a security amount of Rs.25,000/- which was paid by him at the inception of the tenancy which should be refunded to the petitioner.

The learned counsel for the respondent submits that in view of the undertaking given by the petitioner, the respondent will not execute the eviction order till 16.10.2017. He also submits that on the issue of security amount he will take necessary instructions and in case any amount is due in terms of the rent agreement dated 29.10.1998, the necessary payment shall be made on receipt of the possession of suit property/shop.

Keeping in view the undertaking/statement of the petitioner, the present petition is disposed of binding the petitioner to his undertaking including his undertaking to vacate the suit property/shop on or before 16.10.2017.

The present petition stands disposed of.

JAYANT NATH, J.

OCTOBER 17, 2016/v

**STATEMENT OF SH.YOGESH KUMAR, S/O SH.KUNDAN LAL,
R/O G-52, GALI NO.3, BRAHAMPURI, GHONDA, DELHI-110053,
AGED ABOUT 48 YEARS, ON SA.**

I undertake to this court to vacate/hand over vacant physical possession of the property in question, namely, one shop in my occupation in property No.G-62, Gali No.3, Moni Baba Mandir Road, Brahampuri, Delhi-110053 as described by the respondent in the eviction petition within one year from today, i.e. on or before 16.10.2017 to the respondent.

I admit the bonafide need of the respondent.

I undertake that during the period the property is in my occupation I shall continue to pay agreed rent, electricity and water charges of the property to the concerned. I also undertake not to sub-let or part with possession of the property or cause any wilful damage to the property.

I undertake to the court to abide by the order passed by the court today.

RO&AC

JAYANT NATH, J.