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

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Judgment delivered on: 28.11.2019

+ RC.REV. 608/2019 & CM APP Nos.47102/2019 &
47104/2019

SUMAN NAGPAL

..... Petitioner

versus

VINOD KUMAR GERA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr.I.C.Mishra, Advocate along with Mr.Sanjay Nagpal,
son of the petitioner.

For the Respondent: Mr.Amit Biswas, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 13.05.2019 whereby the leave to defend application of the petitioner has been dismissed and an eviction order passed.

2. Respondent has filed the subject eviction petition seeking eviction of the petitioner from shop measuring 35 sq.feet in property bearing No.E-35, Ground Floor, Lajpat Nagar, New Delhi-110024, more particularly, as shown red colour in the site plan annexed in the

eviction petition.

3. Learned counsel for the petitioner, under instructions from Mr.Sanjay Nagpal, son of the petitioner, seeks leave to withdraw the petition.

4. Mr. Sanjay Nagpal, son of the petitioner who is present in Court in person, undertakes that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.12.2020. Petitioner further undertakes that Petitioner shall pay a sum of ₹ 6,000/- per month as use and occupation charges to the respondent w.e.f. 01.12.2019 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.12.2020.

5. Petitioner further undertakes that petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises on or before 31.12.2020.

6. Petitioner further undertakes that petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. Petitioner further undertakes that petitioner shall not cause any damage to the property and shall hand over the peaceful vacant possession of the tenanted premises to the respondent in a condition as existing today, subject to normal wear and tear.

7. The undertaking is accepted.

8. Learned Counsel for the Respondent submits that the undertaking is acceptable to the respondent.

9. The Petition is accordingly dismissed as withdrawn.

10. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 13.05.2019 shall remain stayed till 31.12.2020.

11. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J.

NOVEMBER 28, 2019

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