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

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Judgment delivered on: 24.12.2019

+ RC.REV. 621/2019 & CM APPL. 47774/2019

MAHENDAR KUMAR

..... Petitioner

versus

B.L SAINI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Manish Baidwan, Advocate with petitioner in person.

For the Respondent: Mr. Inder Pahja, Advocate with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 05.04.2019, whereby the Leave to defend application of the petitioner has been dismissed by the Rent Controller and an eviction order passed.

2. Respondent had filed the subject eviction seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, from ground floor, shop north east side in property bearing No. L-53, Nag Mandir Road, Shastri Nagar, P.S. Sarai Rohilla, Delhi-110052, more particularly as shown in red colour in the site plan annexed with the eviction petition.

3. Learned counsel for the petitioner, under instructions from the petitioner, seeks leave to withdraw the petition.

4. 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 31.05.2021. Petitioner further undertakes that he shall pay a sum of ₹ 3,000/- per month as use and occupation charges to the respondent, with effect from 01.12.2019, till the time petitioner hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2021.

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 31.05.2021.

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 petitioners 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 05.04.2019 shall remain stayed till 31.05.2021.

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

DECEMBER 24, 2019
'rs'

SANJEEV SACHDEVA, J

