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

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Judgment delivered on: 13.11.2019

+ RC.REV. 635/2019

INDER KUMAR & ANR

..... Petitioners

versus

BRAHAM PRAKASH

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Ajai Vatan, Advocate with petitioner No.1 in person.

For the Respondent: Mr. Shiv Charan Garg with Mr. Imran Khan, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.48724/2019 (exemption)

CM APPL.48727/2019 (exemption)

Exemptions are allowed subject to all just exceptions.

RC.REV. 635/2019 & CM APPL.48723/2019 (stay), CM APPL.48725/2019 (for condonation of delay), CM APPL.48726/2019 (for condonation of delay)

1. Petitioners impugn order dated 20.05.2019, whereby the leave to defend application of the petitioners was dismissed and an eviction order passed.

2. Respondent had filed the subject eviction petition seeking eviction of the petitioner on the ground of bonafide necessity under

Section 14(1) (e) of Delhi Rent Control Act, 1958 from property bearing Municipal No.6539 to 6542 also known as Plot No.48, D Block, Kamla Nagar, Delhi more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned counsel for the petitioners under instructions from the petitioner No.1, who is present in Court in person, seeks leave to withdraw the petition.

4. Petitioner No.1, who is present in Court in person, undertakes on his behalf as also on behalf of petitioner No.2 that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2021. Petitioners further undertake that they shall pay a sum pay Rs. 70,000/- per month as use and occupation charges with effect from 01.12.2019 till the time they hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2021.

5. Petitioners further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises on or before 31.05.2021. They further undertake that they shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. They further undertake that they shall not cause any damage to the tenanted premises and hand over the possession of the same to the Respondent in the same condition as it exists today subject to normal wear and tear.

6. The undertaking is accepted.

7. Learned counsel for the respondent under instructions from the respondent submits that the undertaking is also acceptable to the respondent.

8. In view of the above, the petition is dismissed as withdrawn.

9. Subject to petitioners filing an affidavit of undertaking in the above terms within a period of four weeks from today, execution of the impugned order dated 20.05.2019 shall remain stayed till 31.05.2021.

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

NOVEMBER 13, 2019
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SANJEEV SACHDEVA, J