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

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Judgment delivered on: 27.09.2019

+ RC.REV. 108/2019 & CM APPL.8438/2019, 24418/2019 & 30442/2019

JAGDISH PRASAD & SON

..... Petitioner

versus

KRISHAN SHARMA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr.S.K.Jain, Adv.

For the Respondent: Ms.Sonali Malhotra, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 13.11.2018, whereby, leave to defend application of the petitioner has been 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) read with Section 25-B of the Delhi Rent Control Act, 1958, from bearing Shop Nos. 3 & 4 at IX/5896, Geeta Gali, Subhash Mohalla, Gandhi Nagar, Delhi-31, more particularly shown

in red colour in the site plan annexed with the petition.

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

4. The petitioner undertakes that he 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 he shall pay Rs. 5000/- per month as use and occupation charges 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 the petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises. Petitioner further undertakes that the petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. Petitioner further undertakes that the 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.

6. The undertaking is accepted.

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

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 In view of the above, the petition is dismissed as withdrawn.

9. On petitioner filing an affidavit of undertaking, within two weeks in the above terms, execution of the impugned order dated 13.11.2018 shall remain stayed till 31.12.2020.

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

SEPTEMBER 27, 2019/rk

SANJEEV SACHDEVA, J

