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

% Judgment delivered on: 11.10.2019
+ RC.REV. 280/2019

M/S DIWAN CHAND BASANT LAL & ANR Petitioners

versus

YOGESHWAR NATH Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Ajay Behl, Advocate with petitioner no. 2 in person.

For the Respondent: Mr. Sunil Dutt Dixit, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 03.01.2019, 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 petition seeking eviction of the petitioners on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from the tenanted premises being part of property bearing no. 100, Bangla Sahib Marg, New Delhi comprising of a shop with verandah facing Bangla Sahib

Marg, New Delhi together with Godown and store etc., more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned counsel for the petitioner under instructions from petitioner no. 2 – Sushil Kumar Munjal, who is the sole proprietor of Petitioner No. 1 and is present in Court in person, seeks leave to withdraw the petition.

4. Petitioner who is present in Court in person, undertakes that he shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2020. It is contended that use and occupation charges, etc. have been settled between the parties.

5. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises. He further undertakes that he shall not sublet, assign or part with the possession of the entire or any portion of the tenanted premises to any third party. He further undertakes that he 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 it is existing today, subject to normal maintenance. He further undertakes that he shall pay the house-tax levied by the corporation on his portion till the date he vacates the tenanted premises.

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 petitioner filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 03.01.2019 shall remain stayed till 31.05.2020.

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

OCTOBER 11, 2019
'rs'

SANJEEV SACHDEVA, J