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

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Judgment delivered on: 12.09.2019

+ RC.REV. 293/2019 & CM APPL. 22157/2019, 22224/2019 &
36145/2019

NASIR ALI & ORS

..... Petitioners

versus

MOHD YASIN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Rajneesh Vats, Adv.

For the Respondent: Mr. Mohd. Faruq, Adv. with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 11.02.2019, whereby the Leave to defend application of the petitioner has been dismissed by the Rent Controller on the ground that same was filed beyond limitation.

2. Respondent filed the subject petition seeking eviction of the petitioner under Section 14(1) (e) of Delhi Rent Control Act, 1958 from a shop on the ground floor of property bearing no. 769, Suiwalan, Daryaganj, Delhi measuring 20.6 x 7.3 ft. 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 petitioners No. 1 & 2, who are present in Court in person, seeks leave to withdraw the petition.

4. Petitioner nos. 1 and 2 for themselves and on behalf of the other petitioners pray for grant of one year's time to vacate and handover the peaceful vacant possession of the tenanted premises to the respondent.

5. Petitioners, who are present in Court in person, undertake that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 11.09.2020. They undertake to pay a sum of Rs.15,000/- per month as use and occupation charges with effect from 11.08.2019 till the time they hand over the peaceful vacant possession of the tenanted premises to the respondent. They further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises. They further undertake that they shall not sublet, assign or part with the possession of the entire or any portion of the tenanted premises to any third party.

6. The undertaking is accepted.

7. Learned counsel 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 In view of the above, the petition is dismissed as withdrawn.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 two weeks from today, execution of the impugned order dated 11.02.2019 shall remain stayed till 11.09.2020.

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

SEPTEMBER 12, 2019
'rs'

SANJEEV SACHDEVA, J