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

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Judgment delivered on: 10.10.2019

+ RC.REV. 306/2019

NANAK CHAND @ NANAK RAM & ANR..... Petitioners

versus

RAJINDER KUMAR RATAWAL & ANR Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Jai Sahai Endlaw with Mr. Shivansh Soni,
Advocates.

For the Respondent: Mr. Rajiv Bajaj, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

**RC.REV. 306/2019 & CM APPL.23799/2019 (stay), CM
APPL.44020/2019 (for fixation of user charges)**

1. Petitioners impugn order dated 24.12.2018, whereby, leave to defend application of the petitioners has been dismissed and an eviction order passed.

2. Respondents had filed the subject eviction petition seeking eviction of the petitioners, on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, from a shop on

the ground floor of a property bearing No.65/17, New Rohtak Road, Karol Bagh, Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

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

4. The petitioners undertake that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 10.10.2021. Petitioners further undertake that they shall pay Rs. 7000/- per month as use and occupation charges w.e.f. 01.07.2019 till the time they hand over the peaceful vacant possession of the tenanted premises to the respondents on or before 10.10.2021. They undertake to clear the arrears of use and occupation charges in two months

5. Petitioners further undertake that the petitioners shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioners vacates the premises on or before 10.10.2021. Petitioners further undertake that the petitioners shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. Petitioners further undertakes that the 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.

6. The undertaking is accepted.
7. Learned Counsel for the Respondents submits that the undertaking is acceptable to the respondents.
8. The Petition is accordingly dismissed as withdrawn.
9. On petitioners filing an affidavit of undertaking, within two weeks in the above terms, execution of the impugned order dated 24.12.2018 shall remain stayed till 10.10.2021.
10. Order *Dasti* under signatures of the Court Master.

OCTOBER 10, 2019
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SANJEEV SACHDEVA, J