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

% Judgment delivered on: 26.09.2019
+ RC.REV. 337/2019 & Crl. M.A. 25474/2019

KULBHUSHAN KAKKAR Petitioner

versus

KAWAL LAL Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Maninder Jeet Singh, Advocate

For the Respondent: Mr. Kamal Garg, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 31.01.2019, 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 petitioner on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from shop/godown situated at the back portion of ground floor of property bearing No. 2834, Gali Hanumanji Wali, Mohalla Peepal Mahadev, Hauz Qazi, Delhi-110006, 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 the petitioner, who 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 30.09.2021. Petitioner further undertakes that he shall pay Rs. 10,000/- 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 30.09.2021.

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 tenanted premises or any part thereof. 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 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 In view of the above, the petition is dismissed as withdrawn.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 petitioner filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 31.01.2019 shall remain stayed till 30.09.2021.

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

SEPTEMBER 26, 2019

'rs'

SANJEEV SACHDEVA, J