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

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Judgment delivered on: 05.11.2019

+ RC.REV. 379/2019 & CM APPL. 28150/2019

RAMESH CHANDER KUMAR & ANR Petitioners

versus

MISHRI LAL MAURYA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Anurag Jain, Advocate with petitioner in person.

For the Respondent: Mr. H.S. Dhawan, Advocate with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 28151/2019 (Exemption)

Allowed, subject to all just exceptions.

RC.REV. 379/2019

1. Petitioner impugns order dated 13.12.2018, whereby the 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) of Delhi Rent Control Act, 1958 from a shop in property bearing No. 2986/39-40, Beadonpura, Karol Bagh, Delhi, 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 30.11.2020. Petitioner further undertakes that they shall pay a sum of ₹ 12,500/- per month as use and occupation charges to the respondent w.e.f. 01.07.2019 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 30.11.2020.

5. Petitioner further undertakes that he shall clear arrears of use and occupation charges within four weeks from today. 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 on or before 30.11.2020. He further undertakes that he shall not sublet, assign or part with the possession of tenanted premises or any part thereof. He further undertakes that he shall not cause any

damage to the tenanted premises and hand over the possession of the same in the condition as it exists 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 13.12.2018 shall remain stayed till 30.11.2020.

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

NOVEMBER 05, 2019

‘rs’

SANJEEV SACHDEVA, J