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

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Judgment delivered on: 07.11.2019

+ RC.REV. 408/2019

RAJ KUMAR & ORS

..... Petitioners

versus

PRADEEP KUMAR PURI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Yash Varmani, Advocate.

For the Respondent: Mr. K.N. Singh, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 408/2019 & CM APPL.30386/2019 (stay)

1. Petitioners impugn order dated 30.01.2019, whereby the leave to defend application of the petitioners was dismissed and an eviction order was 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 a shop on the ground floor of property bearing No.F-107, Kirti Nagar, New Delhi 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 petitioner Nos.2 and 3, who are present in Court in person, seeks leave to withdraw the petition.

4. Petitioner Nos.2 and 3, who are present in Court in person, undertake on their behalf as also on behalf of petitioner No.1 that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 30.11.2020. Petitioners further undertake that they shall pay a sum of Rs. 12,000/- per month as use and occupation charges with effect from 01.07.2019 till the time they hand over the peaceful vacant possession of the tenanted premises to the respondent on or before 30.11.2020. They further undertake that they shall clear the arrears of use and occupation charges within a period of four weeks.

5. Petitioners further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises on or before 30.11.2020. Petitioners further undertake that they shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. They further undertake that they shall not cause any damage to the tenanted premises and hand over the possession of the same to the Respondent in the same 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 petitioners filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 30.01.2019 shall remain stayed till 30.11.2020.

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

NOVEMBER 07, 2019
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SANJEEV SACHDEVA, J