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

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Judgment delivered on: 18.09.2019

+ RC.REV. 412/2019 & CM APPL. 30981/2019

RAMESH KUMAR CHAUDHARY

..... Petitioner

versus

KRISHAN KUMAR TYAGI

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Kirti Uppal, Senior Advocate with Mr. Sidhant Chopra, Mr. Vineet Kumar, Mr. Navneet Thakran, Ms.Bhagya and Ms.Komal, Advocates.

For the Respondent:

Mr.Arvind Chaudhary, Adv.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 14.07.2016, 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 on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 seeking eviction of the petitioner from Shop No.1 situated on the ground floor of property No.WZ-150, Central Market,

Budhella, Vikas Puri, New Delhi-110018, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned senior counsel for the petitioner under instructions seeks leave to withdraw the petition.

4. Learned counsel for the petitioner submits that he has instructions to undertake that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 17.09.2021. He further undertakes that petitioner shall pay use and occupation charges at the rate of Rs.15,000/- per month till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 17.09.2021.

5. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises prior to vacating the said shop. He further undertakes that he shall not sublet, assign or part with the possession of the tenanted premises or any part thereof to any third party.

6. The undertaking is accepted.

7. Learned counsel for the respondent under instructions 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 In view of the above, the petition is dismissed as withdrawn.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 14.07.2016 shall remain stayed till 17.09.2021.

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

SANJEEV SACHDEVA, J

SEPTEMBER 18, 2019

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