

\$~7

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

%

Judgment delivered on: 17.09.2019

+ RC.REV. 454/2019 & CM APPL. 34086/2019

BALESH KUMAR

..... Petitioner

versus

SANTOSH JAIN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Dr. Sarbjit Sharma and Ms. Liza Taneja, Advocates

For the Respondent: Mr. Kailash Vasdev, Senior Advocate with Mr. Anurag Jain, Ms. Limayonla Jamil, Ms. Nayantara and Mr. Umrao Singh Rawat, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 05.03.2019, whereby the eviction petition filed by the respondent for bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 has been allowed after trial.

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 bearing No. 4753, Plot No. 8, Deputy Ganj, Sadar Bazar, 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 son of the petitioner – Mr. Satish Kumar, who is present in Court in person, 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 31.12.2020.

5. He submits that the Petitioner further undertakes undertakes that he shall clear arrears of rent @ Rs. 80/- per month until 31.08.2019 thereafter from 01.09.2019 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 31.12.2020. He further undertakes that the use and occupation charges shall be paid by the petitioner on the 10th day of every English Calendar month.

6. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises prior to vacating of 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.

7. The undertaking is accepted.
8. Learned senior counsel for the respondent under instructions submits that the undertaking is also acceptable to the Respondent.
9. In view of the above, the petition is dismissed as withdrawn.
10. 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 05.03.2019 shall remain stayed till 31.12.2020.
11. Order *Dasti* under signatures of the Court Master.

SEPTEMBER 17, 2019
'rs'

SANJEEV SACHDEVA, J