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

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Judgment delivered on: 10.10.2019

+ RC.REV. 509/2019

PANKAJ KUMAR

..... Petitioner

versus

TARAK MANDAL

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Rajnish Kumar with Mr. Hemant Kaushik, Advocates.

For the Respondent: Mr. Santosh with Mr. Pratyush, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 509/2019 & CM APPL.38757/2019 (stay), CM APPL.39942/2019 (stay)

1. Petitioner impugns orders dated 12.02.2019, whereby, leave to defend applications of the petitioner has been dismissed and an eviction order passed.

2. Subject eviction petition was filed by the respondent seeking eviction of the petitioner, on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, from shop at

Property No.1/6698, Gali No.4, East Rohtas Nagar, Shahdara, Delhi, more particularly shown in red colour in the site plan annexed with the eviction petition.

3. It is contended that the tenanted shop is joint with another shop in the tenancy of the brother of the petitioner for which a separate eviction petition has been filed and by an order of the same date the application seeking leave to defend has been dismissed in that petition as well.

4. Learned counsel for the petitioner, under instructions from the petitioner seeks leave to withdraw the petition.

5. The petitioner undertakes that he shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021. Petitioner further undertake that he shall pay Rs. 7,500/- per month as use and occupation charges w.e.f. 01.08.2019 till he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021.

6. Petitioner undertakes that he shall clear the entire arrears of rent fixed @ Rs.726/- per month within a period of 4 weeks from today.

7. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacate the premises on or before 31.03.2021. Petitioner further undertakes that he shall not sublet, assign or part with the

possession of the tenanted premises or any part thereof. Petitioner 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 existing today, subject to normal wear and tear.

8. The undertaking is accepted.

9. Learned Counsel for the Respondent submits that the undertaking is acceptable to the respondent.

10. The Petition is accordingly dismissed as withdrawn.

11. On petitioner filing an affidavit of undertaking, within two weeks in the above terms, execution of the impugned order dated 12.02.2019 shall remain stayed till 31.03.2021.

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

OCTOBER 10, 2019
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SANJEEV SACHDEVA, J