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

% Judgment delivered on: 03.12.2019

+ RC.REV. 526/2019

JINENDER KUMAR

..... Petitioner

versus

CHANDER SHEKHAR LODHI & ANR Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Amit Punj, Advocate.

For the Respondent: Mr. Sajid Chaudhary with Mr. Arshad Ali,
Mr. Rashid Hasan, Advocates for respondent No.1
with respondent No.1 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 526/2019 & CM APPL.39973/2019 (stay)

1. Respondent Nos.2(a) to 2(c) have been unserved.
2. It is pointed out by learned counsel for the petitioner that respondent No.2 was also the respondent No.2 before the Rent Controller and he did not file leave to defend application and he has not even impugned the eviction order.
3. Service of respondent No.2(a) to 2(c) is, accordingly, dispensed

with.

4. Petitioner impugns order dated 08.05.2019, whereby the leave to defend application of the petitioner was dismissed and an eviction order passed.

5. 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 one room (Hall) on Ground Floor of Property bearing No.363, measuring 21.96 Sq. Yards, situated at Kuncha Bulaqi Begum, Esplande Road, Cycle Market, Chandani Chowk, Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

6. Learned counsel for the petitioner seeks leave to withdraw the petition. He further submits that he has instructions on behalf of the petitioner to undertake that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2020. He further undertakes that Petitioner shall pay a sum of Rs.3500/- per month as use and occupation charges to the respondent till the time petitioner hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2020.

7. Learned counsel for the Petitioner further undertakes on behalf of the petitioner that petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the

petitioner vacates the premises on or before 31.05.2020. Learned counsel for the Petitioner further undertakes on behalf of the petitioner that the petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. He further undertakes that petitioner shall not cause any damage to the tenanted premises and shall hand over the peaceful and vacant possession of the tenanted premises in the same condition as it exists 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. Petition is, accordingly, dismissed as withdrawn.
11. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 08.05.2019 shall remain stayed till 31.05.2020.
12. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 03, 2019
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