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

+ **RC.REV. 527/2019**

SANJEEV AGGARWAL

..... Petitioner

Through

Mr. Vikram Jit Saini, Advocate with
petitioner in person.

versus

ANIL KUMAR MISHRA

..... Respondent

Through

Mr. Parmod Kumar Singh with
Mr. Rahul Singhal, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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06.09.2019

CM APPL.40089/2019 (exemption)

Exemption is allowed subject to all just exceptions.

**RC.REV. 527/2019 & CM APPL.40088/2019 (stay), CM APPL.
40090/2019 (for condonation of delay)**

1. Petitioner impugns order dated 28.03.2019, whereby, the leave to defend application of the petitioner has been dismissed.
2. Respondent landlord had filed the subject eviction petition seeking eviction of the petitioner from one shop situated at ground floor of property bearing No.201/4, Padam Nagar, Kishan Garj, more particularly, as shown in red colour in the site plan annexed with the eviction petition.
3. After some arguments, learned counsel for the petitioner, under

instructions from the petitioner, who is present in Court in person, seeks leave to withdraw the petition and prays for grant of one year time to vacate and handover the peaceful vacant possession of the tenanted premises to the respondent.

4. Learned counsel for the petitioner further submits that the petitioner shall pay a sum of Rs.5,000/- per month as use and occupation charges from the expiry of the period of 6 months from the date of the impugned order.

5. Petitioner, who is present in Court in person, undertakes that he shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent landlord on or before expiry of 5th September, 2020. He further undertakes that he shall pay use and occupation charges @ Rs. 5,000/- per month with effect from 01.10.2019 till he hands over the peaceful vacant possession of the tenanted premises to the respondent landlord. He further undertakes that he shall pay all water, electricity and other charges in respect of the tenanted premises. He further undertakes that he shall not part with the possession of the entire or any part of the tenanted premises to any third party.

6. The undertaking is accepted.

7. The petitioner is directed to file an affidavit of undertaking in the above terms within a period of one week from today with copy to the learned counsel for the respondent.

8. On petitioner filing the aforesaid undertaking, the eviction order dated 28.03.2019 shall not be executed till 05.09.2019.
9. In view of the above, the petition is dismissed as withdrawn.
10. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 06, 2019
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