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

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Judgment delivered on: 20.09.2019

+ RC.REV. 543/2019 & Crl. M.A. 40951/2019

MOHD IQBAL

..... Petitioner

versus

MOHD AWALIN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Ankit Jain and Mr. Abhay Pratap Singh,
Advocates

For the Respondent: Mr. S.H. Nizami, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 14.03.2019, whereby the Leave to defend application of the petitioner has been dismissed by the Rent Controller and an eviction order passed.

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 Shop No. 3778-B, Ground Floor, Ward No. VII, Gali Masjid Wali, Chowk Shahganj (Near G.B. Road), Delhi, 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 petitioner, who is present in Court in person, seeks leave to withdraw the petition.

4. 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 on or before 31.03.2021. Petitioner further undertakes that he shall pay Rs. 6500/- per month as use and occupation charges, with effect from 01.10.2019, till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021.

5. Petitioner undertakes that he shall pay use and occupation charges on or before every 10th day of English Calendar month.

6. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises. He further undertakes that he shall not sublet, assign or part with the possession of the entire or any portion of the tenanted premises to any third party.

7. The undertaking is accepted.

8. Learned counsel for the respondent under instructions from the son of respondent who is also the power of attorney holder of the respondent, 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 In view of the above, the petition is dismissed as withdrawn.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 14.03.2019 shall remain stayed till 31.03.2021.

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

SEPTEMBER 20, 2019

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SANJEEV SACHDEVA, J