

\$~51

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

%

Judgment delivered on: 25.09.2019

+ RC.REV. 573/2019 & CM APPL. 43189/2019

NARESH KUMAR & ANR

..... Petitioners

versus

REHMAT ELAHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. S.H. Nizami, Advocate with petitioner no. 2 in person.

For the Respondent: Mr. Anis Ahmed and Mr. Mohd Raafe Suhail, Advocates with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL. 43190/2019 (condonation of delay in re-filing)

For the reasons stated in the application, the delay in re-filing the petition is condoned. The application is disposed.

CAV. No.971/2019

In view of the appearance of the respondents, caveat stands discharged.

RC.REV. 573/2019

1. Perusal of Memo of Parties shows that petitioner no. 1 had expired

prior to filing of the petition leaving behind only petitioner no. 2 as the legal heirs. The name of petitioner no. 1 is struck off from the record.

2. Petitioner impugns order dated 22.04.2019, whereby the Leave to defend application of the petitioner has been dismissed by the Rent Controller and an eviction order passed.

3. 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. 1726, Ground Floor, 1 Madarsa Mir Jumla, Bazar Lal Kuan, Delhi - 110006, more particularly as shown in red colour in the site plan attached to the eviction petition.

4. Learned counsel for the petitioner under instructions from the petitioner no. 2, who is present in Court in person, seeks leave to withdraw the petition.

5. Petitioner no. 2 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 no. 2 further undertakes that he shall pay Rs. 4000/- 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 31.03.2021.

6. Petitioner no. 2 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 tenanted premises or any part

thereof.

7. The undertaking is accepted.

8. Learned counsel for the respondent under instructions from 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 22.04.2019 shall remain stayed till 31.03.2021.

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

SEPTEMBER 25, 2019

‘rs’

SANJEEV SACHDEVA, J