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

% Judgment delivered on: 08.11.2019

\+ RC.REV. 631/2019

AMIT DAWAR ..... Petitioner

versus

SUMAN JAIN ..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Jagjit Singh Sahni and Mr. Prabhjot Singh Sahni, Advocates with petitioner in person.

For the Respondent: Mr. Sanjeet Singh, Advocate. with respondent in person.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APP. 48542/2019 (delay in re-filing)

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

CAV 1117/2019

In view of the appearance of the respondent, Caveat stands discharged.

RC.REV. 631/2019 & CM APPL. 48543/2019 (stay)

1. Petitioner impugns order dated 15.05.2019, 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 Shop No.15, Showcase No.3, Ground Floor, Main Market, Malviya Nagar, New 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 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 use and occupation charges of Rs. 1,772/- per month till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021.

5. Learned counsel for the respondent submits that petitioner is in arrears of rent since March, 2016. Learned counsel for the petitioner submits that petitioner has deposited rent for some period under Section 27 of the Delhi Rent Control Act. Petitioner undertakes to furnish the proof of deposit of rent within two weeks. Petitioner further undertakes that the arrears of rent at the agreed rates, if any,

shall be paid within a period of four weeks from today.

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 tenanted premises or any part thereof. He further undertakes that he shall not cause any damage to the tenanted premises and shall hand over the possession of the same in the condition as it exists today subject to normal wear and tear.

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 15.05.2019 shall remain stayed till 31.03.2021.

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

SANJEEV SACHDEVA, J

NOVEMBER 08, 2019/'*rs'*