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

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Judgment delivered on: 07.11.2019

+ RC.REV. 117/2018 & CM APPL. 12178/2018

MOHD ISMAIL

..... Petitioner

versus

SAEEDUDDIN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Manoj Kumar, Advocate with petitioner in person.

For the Respondent: Mr. Davinder Kr. Rajora and Mr. Ashok Anand, Advocates with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 02.02.2018, 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 with regard to four shops in property bearing No. 3196-98 situated at Kucha Pandit, Hamdard Marg, 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 30.06.2020. Petitioner further undertakes that he shall pay Rs. 20,000/- per month as use and occupation charges with effect from 01.07.2018 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 30.06.2020. Petitioner further undertakes that the arrears of use and occupation charges at the rate of ₹ 20,000/- per month shall be paid within a period of two months.

5. 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.

6. The undertaking is accepted.

7. Learned counsel for the respondent under instructions from the

respondent submits that the undertaking is also acceptable to the respondent.

8. In view of the above, the petition is dismissed as withdrawn.

9. 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 02.02.2018 shall remain stayed till 30.06.2020.

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

NOVEMBER 07, 2019

‘rs’

SANJEEV SACHDEVA, J