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

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Judgment delivered on: 26.11.2019

+ RC.REV. 134/2018

RAJINDER AGGARWAL

..... Petitioner

versus

SURENDRA KAKAR & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Kirti Uppal, Sr. Advocate with Mr. Bharat Deepak and Mr. Siddhant Asthana, Advocates.

For the Respondent: Dr. Arun Mohan, Sr. Advocate with Mr. Kuber Giri, Advocate with respondent Girish Kakar in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 134/2018 & CM APPL.13501/2018 (stay), CM APPL.13502/2018 (for additional documents)

1. Petitioner impugns order dated 31.10.2017, whereby the leave to defend application of the petitioner was dismissed and an eviction order passed.

2. Respondents 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 portion of the

property bearing No.2269-70 and 2281, Naiwala, Laxmi Rani Dawar Marg (formerly known as 'Abdul Aziz Road'), Karol Bagh, New Delhi, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned senior counsel for the petitioner, under instructions from the petitioner, who is present in Court in person, seeks leave to withdraw the petition.

4. Learned counsels for the parties submit that user and occupation charges have already been settled.

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 on or before 31.12.2020.

6. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises on or before 31.12.2020. 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 hand over the possession of the same to the Respondents in the same condition as it exists today subject to normal wear and tear.

7. The undertaking is accepted.

8. Learned counsel for the respondents under instructions from the

respondents 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 31.10.2017 shall remain stayed till 31.12.2020.

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

NOVEMBER 26, 2019
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SANJEEV SACHDEVA, J