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

% Judgment delivered on: 22.10.2019

+ RC.REV. 143/2018 & CAVEAT 308/2018 & CM APPL.
14058/20018 & 31766/2019

CHHUTTAN LAL MATTU MAL Petitioner

versus

MUNA LAL RAM DAYAL (HUF) Respondent

Advocates who appeared in this case:

For the Petitioner: Ms.Deepika Mishra, Advocate.

For the Respondent: Mr.Vijay Gupta and Mr.Rohit Khandelwal,
Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 18.01.2018 whereby the leave to defend of the petitioner has been dismissed and an eviction petition 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 the Delhi Rent Control Act, 1958, from one shop situated on the ground floor of property bearing Municipal No.17,

Main Road, Chawri Bazar, Delhi-110006.

3. Parties were referred to mediation. A settlement has been arrived at between the parties on 10.10.2019. Settlement agreement is received. Same is taken on record.

4. Learned counsel for the parties on behalf of the parties undertake that the parties shall remain bound by the terms of the settlement.

5. Learned counsel for the petitioner submits that she has instructions to seek leave to withdraw the petition. She further submits that she has instructions to undertake that petitioner shall vacate and hand over the peaceful physical possession on 31.03.2024 and pay use and occupation charges at the rate of Rs. 50,000/- per month from 01.09.2019 till 31.08.2023 and at the rate of Rs. 1,00,000/- per month from 01.09.2023 to 31.03.2024 in the name of Munna Lal Ram Dayal (HUF) subject to deduction of TDS.

6. Learned counsel for the Petitioner further undertakes on behalf of the petitioner that petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises on or before 31.03.2024. Learned counsel for the Petitioner further undertakes on behalf of the petitioner that the petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. She further undertakes

that petitioner shall not cause any damage to the tenanted premises and shall hand over the peaceful and vacant possession of the tenanted premises in the same condition as it exists today subject to normal wear and tear.

7. The undertaking is accepted.

8. Learned Counsel for the Respondent submits that the undertaking is acceptable to the respondent.

9. The Petition is accordingly dismissed as withdrawn.

10. On petitioner filing an affidavit of undertaking, within two weeks, in the above terms, execution of the impugned order dated 18.01.2018 shall remain stayed till 31.03.2024.

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

OCTOBER 22, 2019
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SANJEEV SACHDEVA, J