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

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Judgment delivered on: 26.09.2019

+ RC.REV. 152/2018 & CM APPL. 14935/2018, 14937/2018

ATHAR HASHMI

..... Petitioner

versus

PARVEZ MIRZA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Nasir Aziz, Adv. with petitioner in person.

For the Respondent: Mr. Absar Ahmad, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 29.08.2017, 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 a shop of part of property bearing no. 2154-2160, measuring about 100 sq. yards situated at Bazar Lal Kuan, Rodgaran, 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 in person, 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 Rs. 10,000/- per month as use and occupation charges with effect from 01 April, 2019 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021.

5. He further undertakes that he shall pay use and occupation charges @ Rs. 5000/- per month with effect from 17.04.2018 till 31.03.2019. 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 property and shall hand over the peaceful vacant possession of the tenanted premises to the respondent in a condition as is existing 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 29.08.2017 shall remain stayed till 31.03.2021.

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

SEPTEMBER 26, 2019

‘rs’

SANJEEV SACHDEVA, J