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

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Judgment delivered on: 29.11.2019

+ RC.REV. 220/2017 & CM APPL. 16682/2017, 30839/2017

SUBHASH CHAND & ANR

..... Petitioners

versus

GAURI

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Naveen K. Sharma and Mr. Ashok Kumar Aggarwal, Advocates with petitioner no. 2 in person.

For the Respondent:

Mr. G.D. Chopra, Advocate with respondent no. 1 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 03.11.2016, whereby the leave to defend application of the petitioner was dismissed and an eviction order passed.

2. Subject eviction petition was filed by the respondent 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 on the ground floor of property bearing No. 3502, Ward No. 9, Gali

Bajrang Bali, Sita Ram Bazar, Near Metro Station, Chawri Bazar, Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

3. Learned counsel for the petitioners, under instructions from the petitioners, seeks leave to withdraw the petition.

4. Petitioner no. 2 who is present in Court in person undertakes on his behalf as well as on behalf of petitioner no. 1 that petitioners shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.12.2020. Petitioners further undertake that they shall pay, on or before the 10th day of each English Calendar month, a sum of ₹ 10000/- per month as use and occupation charges to the respondent till the time petitioners hand over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.12.2020.

5. Petitioners further undertake that petitioners shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises on or before 31.12.2020.

6. Petitioners further undertake that petitioners shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. Petitioners further undertake that petitioners 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

existing today, subject to normal wear and tear.

7. The undertaking is accepted.

8. Learned Counsel for the Respondents submits that the undertaking is acceptable to the respondents.

9. The Petition is accordingly dismissed as withdrawn.

10. Subject to petitioners filing affidavits of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 03.11.2016 shall remain stayed till 31.12.2020.

11. The amount deposited by the petitioners with the Registrar General of this Court be released to the respondent along with interest accrued, if any, thereon.

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

SANJEEV SACHDEVA, J
NOVEMBER 29, 2019
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