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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. 228/2016

CHANDERWATI

..... Petitioner

versus

RAM PRATAP & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Jaideep Malik, Advocate with petitioner in person.

For the Respondent: Mr. L.S. Solanki, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.36807/2018 (for bringing on record LR's of R-1), CM APPL.36808/2018 (for condonation of delay in filing CM 36807/2018)

Learned Counsel for the Petitioner submits that he has no objection to the applications being allowed and the legal heirs of deceased Respondent No. 1 being brought on record.

In view of the above and for the reasons stated in the applications, they are allowed. Delay in filing CM APPL 36807/2018 is condoned. Applications are allowed and legal heirs are brought in

record.

RC.REV. 228/2016 & CM APPL.15500/2016 (stay), CM APPL.27477/2016 (stay), CM APPL33915/2018 (for recovery of arrears),

1. Petitioner impugns order dated 03.11.2015, whereby the leave to defend application of the petitioner was dismissed and an eviction order passed.

2. Subject eviction petition was filed by the respondents 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 room with common verandah, kitchen and latrine on the first floor and one Kacha room on the roof of the first floor situated in premises bearing No.10489, Bagichi Peerji, Subzi Mandi, Delhi more particularly as shown in red colour in the site plan annexed with the eviction petition.

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

4. Petitioner who is present in Court in person, undertakes that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2020. Petitioner further undertakes that petitioner shall pay a sum of Rs.5000/- per month as use and occupation charges with effect from 01.11.2019 to the respondent till the time petitioner hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2020.

5. Petitioner further undertakes 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 31.05.2020. Petitioner further undertakes that petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. Petitioner further undertakes that petitioner 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.
6. The undertaking is accepted.
7. Learned Counsel for the respondents submits that the undertaking is acceptable to the respondents.
8. Petition is accordingly dismissed as withdrawn.
9. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 03.11.2015 shall remain stayed till 31.05.2020.
10. Order *Dasti* under signatures of the Court Master.

NOVEMBER 29, 2019
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SANJEEV SACHDEVA, J