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

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Judgment delivered on: 01.11.2019

+ RC.REV. 241/2018

NIKUNJ SINGHANIA

..... Petitioner

versus

SEHGAL SONS

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Sonal Sinha, Advocate.

For the Respondent: Mr. Sourabh Banerjee, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner/landlord impugns order dated 06.10.2017, whereby the eviction petition filed by the petitioner was dismissed after Trial.
2. Petitioner had filed the subject eviction petition seeking eviction of the respondent on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from two rooms along with toilet bearing private Nos.10 & 17 on the backside of the ground floor of property bearing No.A-14/3, Asaf Ali Road, New Delhi, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Parties were referred to mediation and a mediation settlement dated 01.11.2019 has been executed between the parties. As per the settlement agreement, respondent has admitted and agreed to the claim of the petitioner.

4. Learned counsel for the respondent submits that he has instructions to undertake on behalf of the respondent that the respondent admits that petitioner is the owner and landlord of the subject property. He further admits that the need as projected by the petitioner in the eviction petition is bonafide and that petitioner does not have any other alternative suitable accommodation for the purpose for which the eviction petition has been filed.

5. Further it is admitted and also recorded in the settlement agreement that Respondent has no objection to the impugned order dated 06.10.2017 being set aside and an eviction order being passed.

6. In view of the above and in view of the settlement agreement, impugned order dated 06.10.2017 is set aside, the Revision Petition and the eviction petition are allowed and an eviction order is passed in favour of the petitioner and against the respondent in respect of two rooms along with toilet bearing private Nos. 10 & 17 on the backside of the ground floor of property bearing No.A-14/3, Asaf Ali Road, New Delhi more particularly as shown in red colour in the Site Plan annexed to the Eviction Petition (Exhibit AW 1/1).

7. Learned Counsel for the Respondent submits that the

Respondent undertakes to vacate and handover the peaceful vacant possession of the tenanted premises to the petitioner on or before 31.03.2022. Respondent further undertakes that he shall pay a sum pay Rs. 25,000/- per month as use and occupation charges with effect from 01.12.2019 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2022.

8. Learned Counsel for the Respondent submits that the Respondent further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises on or before 31.03.2022. 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 petitioner in the same condition as it exists today subject to normal wear and tear.

9. Learned Counsel for the Respondent submits that Respondent undertakes that in case he does not vacate the premises on or before 31.03.2022, he shall be liable to pay use and occupation charges at the rate of Rs.3500/- per day. It is further undertaken in Court that payment of use and occupation charges at the rate of Rs.3500/- per day would be without prejudice to the right of the petitioner to seek execution of this order.

10. The undertaking is accepted.

11. Learned counsel for the petitioner under instructions from the petitioner submits that the undertaking is also acceptable to the petitioner.

12. Subject to respondent filing an affidavit of undertaking in the above terms within a period of four weeks from today, execution of this order shall remain stayed till 31.03.2022.

13. Petition is allowed in the above terms.

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

NOVEMBER 01, 2019

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SANJEEV SACHDEVA, J