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

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Judgment delivered on: 16.09.2019

+ RC.REV. 156/2017 & CM APPL. 12745/2017

ASHOK KUMAR

..... Petitioner

versus

SHIELA VANTI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. S.D. Ansari with Mr. I. Ahmed, Advs. with petitioner in person.

For the Respondent: Mr. Puneet Yadav, Adv.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 15.11.2016, 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 shop bearing private No. 6, on Ground Floor, of Property No 810, Som Bazar, Haibutpura, Near Raghunath Mandir, Najafgarh, New Delhi-110043,

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 16.09.2021. Petitioner further undertakes that he shall pay Rs. 5000/- per month as use and occupation charges till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 16.09.2021.

5. Use and occupation charges @ Rs. 5000/- shall be payable w.e.f. 01.09.2019. The use and occupation charges shall be paid by the petitioner on or before every 10th day of English Calendar month.

6. 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 entire or any portion of the tenanted premises to any third party.

7. The undertaking is accepted.

8. Learned counsel for the respondents under instructions from the

respondents submits that the undertaking is also acceptable to the respondents.

9. In view of the above, the petition is dismissed as withdrawn.

10. 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 15.11.2016 shall remain stayed till 16.09.2021.

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

SEPTEMBER 16, 2019

‘rs’

SANJEEV SACHDEVA, J