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

% Judgment delivered on: 14.10.2019
+ RC.REV. 343/2018

IQBAL AHMED & ORS Petitioners

versus

NIGAR MUSTAFA Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Rajat Aneja, Adv.

For the Respondent: Mr. J.P. Sengh, Sr. Advocate with Ms. Zubeda Begum, Ms. Sana Ansari with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 03.07.2018, whereby the Leave to defend application of the petitioner has been dismissed and an eviction order passed.

2. Respondent filed the subject petition seeking eviction of the petitioner under Section 14(1) (e) of Delhi Rent Control Act, 1958 from one room, kitchen, bath and toilet on the first floor, one room on the second floor and one tinshed room on the third floor of half of property No. 1577 over and above the part of the property No. 1578, Gali Meer Karor Wali, Near Bank of India, Gali Qasim Jaan, Lal

Kuan, Delhi. more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned counsel for the petitioners under instructions from the petitioners who are present in Court in person, seeks leave to withdraw the petition.

4. Petitioners, who are present in Court in person, undertake that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 13.10.2020. They undertake to pay a sum of Rs. 7,500/- per month as use and occupation charges with effect from 01.01.2019 till the time they hand over the peaceful vacant possession of the tenanted premises to the respondent on or before 13.10.2020. They undertake to clear the arrears within six weeks from today.

5. They further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises. They further undertake that they shall not sublet, assign or part with the possession of the entire or any portion of the tenanted premises to any third party. They further undertake that they shall not cause any damage to the tenanted premises and shall hand over the peaceful and vacant possession of the tenanted premises in the same condition as it exists today subject to normal wear and tear.

6. The undertaking is accepted.

7. Learned counsel 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 petitioners filing affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 07.03.2018 shall remain stayed till 13.10.2020.

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

OCTOBER 14, 2019
'rs'

SANJEEV SACHDEVA, J