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

% Judgment delivered on: 18.09.2019
+ RC.REV. 192/2017 & Crl. M.A. 15378/2017

RAKESH KUMAR JAIN

..... Petitioner

versus

DR AMRIT LAL SHUKLA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Piyush Jain, Adv. with petitioner in person.

For the Respondent: Mr. Satish Sahai, Adv.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 26.12.2016, 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 No. 3 of property bearing 1372, Shastri Nagar, Delhi, 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 31.10.2020.

5. Learned counsel for the parties submit that they have already settled the use and occupation charges and no use and occupation charges shall be paid by the petitioner till 31.10.2020 or till the date the petitioner vacates the subject premises, whichever is earlier.

6. Learned counsel for the petitioner under instructions from the petitioner undertakes that in case the premises is not vacated on or before 31.10.2020, petitioner in addition to being evicted from the premises shall also be liable to pay use and occupation charges @ Rs. 20,000/- per month. It is agreed between the parties that payment of use and occupation charges by the petitioner after 31.12.2020 shall not entitle the petitioner to continue in possession of the subject premises.

7. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges (if any) 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.

8. The undertaking is accepted.

9. Learned counsel for the respondent under instructions from the respondent submits that the undertaking is also acceptable to the respondent.

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 In view of the above, the petition is dismissed as withdrawn.

11. 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 26.12.2016 shall remain stayed till 31.10.2020.

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

SEPTEMBER 18, 2019

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SANJEEV SACHDEVA, J