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

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Judgment delivered on: 11.12.2019

+ RC.REV. 379/2018

CHANDER MOHAN

..... Petitioner

versus

MUNNI DEVI

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Sachin Aggarwal with Mr. B.K. Koli, Advocate with Mr. Rajesh Kumar, brother of petitioner in person.

For the Respondent:

Mr. Deepak Khandaria, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 379/2018 & CM APPL.31756/2018 (stay)

1. Petitioners impugn order dated 24.04.2018, 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 petitioners on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from Private Shop

No.2 in property No.48/52, Gali No.6, Gadodia Road, Nai Basti, Anand Parbat, New 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 brother of the petitioner Mr. Rajesh Kumar, who is present in Court in person, seeks leave to withdraw the petition.

4. Learned counsel for the petitioner undertakes on behalf of the petitioner that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021. He further undertakes that petitioner shall continue to pay use and occupation charges at the rate of Rs.10,000/- per month.

5. He further undertakes that petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises before petitioner vacates the premises. He further undertakes that petitioner shall not sublet, assign or part with the possession of the entire or any portion of the tenanted premises to any third party.

6. He 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 it is existing today, subject to normal maintenance.

7. The undertaking is accepted.

8. Learned counsel for the respondent under instructions from the

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

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 24.04.2018 shall remain stayed till 31.03.2021.

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

DECEMBER 11, 2019
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SANJEEV SACHDEVA, J