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

% Judgment delivered on: 15.11.2019

+ RC.REV. 427/2018

BALRAM RASTOGI

..... Petitioner

versus

KAMAL AGGARWAL & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Sudhanshu Batra, Sr. Advocate with Mr. Rahul Sharma, Mr. Madav Rastogi and Mr. Lucky Ralta, Advocates with petitioner in person.

For the Respondent:

Ms. Shalini Kapoor with Mr. Dushyant Khanna with Mr. Sangram Singh and Mr. Meet Kapoor, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 427/2018 & CM APPL.35922/2018 (stay), CM APPL.16688/2019 (for fixation of user charges), CM APPL.34881/2019 (for modification of order dated 12.07.2019)

1. Petitioner impugns order dated 05.03.2018, whereby the leave to defend application of the petitioner was dismissed 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 one shop bearing No.1171, forming part of property bearing No.1171-1175, Chhai Tooti Chowk, Pahar Ganj, New Delhi, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned senior 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 30.06.2021. Petitioner further undertakes that he shall pay a sum of Rs. 20,000/- 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 30.06.2021.

5. 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 on or before 30.06.2021. Petitioner 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 Respondent in the same condition as it exists today subject to normal wear and tear.

6. The undertaking is accepted.

7. Learned counsel for the respondents under instructions from the respondents 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 petitioner filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 05.03.2018 shall remain stayed till 30.06.2021.

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

NOVEMBER 15, 2019
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SANJEEV SACHDEVA, J