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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. 590/2016 & CM APPL. 45493/2016 & 52639/2018

SANJAY BATRA

..... Petitioner

versus

VED PRAKASH MAKKAR & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Ms.Richa Kapoor and Mr.Shivam Tyagi, Advs

For the Respondent:

Mr.Sachin Mishra, Mr.Ayush Dua, Advs.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 22.10.2016, 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 a shop in property bearing No. 5828-A measuring 4 feet 11 inches x 4 feet 3 inches, Ground Floor, Gali Matkewali, Sarai Hafiz Banna, Ward No. 13, Sadar Bazar, Delhi, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned counsel for the petitioner seeks leave to withdraw the petition.

4. The Petitioner, who is present in court undertakes that he shall vacate and hand over the peaceful and vacant possession of the tenancy premises to the Respondents on or before 31.03.2021.

5. It is undertaken that the petitioner shall pay use and occupation charges at the rate of Rs.10,000/- per month by the 10th day of each English Calendar month till the time he hands over vacant peaceful possession. He further undertakes that he shall pay all water, electricity and other charges in respect of the tenanted premises, before handing over the vacant possession. He further undertakes that he shall not sublet, assign or part with the possession of the tenanted premises or any part thereof to any third party.

6. The undertaking is accepted.

7. The conditions are also acceptable to the Respondents who are present in court in person.

8. The Petition is accordingly dismissed as withdrawn.

9. Subject to petitioner filing an affidavit of undertaking within a period of two weeks in the above terms, execution of the eviction order dated 22.10.2016 shall remain stayed till 31.03.2021.

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

SEPTEMBER 16, 2019/rk

SANJEEV SACHDEVA, J