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

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Judgment delivered on: 12.09.2019

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RC.REV. 599/2016 & CM No.40762/2019

OM PRAKASH & ANR

..... Petitioners

versus

BHIM SINGH SAINI

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Ms.Shalini Kapoor, Advocate with Ms.Bindita Chaturvedi, Mr.Bharat Misra and Mr.Jitender Singh, Advocates along with petitioner no.1 in person.

For the Respondent:

Mr.N.S. Dalal, Advocate with Ms.Suman Chaudhary, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 21.07.2016 whereby the leave to defend application of the petitioners has been dismissed.
2. Respondent/landlord had filed the subject eviction petition seeking eviction of the petitioner on the ground of bonafide necessity from a shop on the ground floor in property No. 1536, Tota Ram Bazar, Tri Nagar, Delhi-110035 more particularly shown in red colour in the site plan attached to the Eviction Petition.
3. After some arguments, learned counsel for the petitioner under instructions from the petitioner no.1 who is present in Court in person seeks

leave to withdraw the petition. She, however, prays that time may be granted upto 11.09.2021 to vacate and hand over the peaceful vacant possession of the tenanted premises to the Respondent. Same is acceptable to the respondent.

4. Petitioner no.1, who is present in Court, undertakes for himself and on behalf of Petitioner No. 2 that they shall vacate and hand over the peaceful vacant possession of the tenanted premises to the respondent on or before 11.09.2021. They undertake that they shall pay use and occupation charges at the rate of Rs.12,000/- per month till the time they hand over the peaceful vacant possession of the tenanted premises to the Respondent. They also undertake to pay the water and electricity charges to the concerned authorities and also clear all dues in respect of the said premises, if any, before handing over the vacant possession. They further undertake that they shall not sublet, assign or part with the possession of the tenanted premises or any part thereof to any third party.

5. The undertaking is accepted.

6. The Petition is accordingly dismissed as withdrawn.

7. Subject to petitioners filing affidavit of undertaking within a period of two weeks in the above terms, execution of the eviction order dated 21.07.2016 shall remain stayed till 11.09.2021.

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

SEPTEMBER 12, 2019
“shailendra”

SANJEEV SACHDEVA, J.