

\$~16

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

%

Judgment delivered on: 18.11.2019

+ RC.REV. 354/2015

M/S CHOPRA GENERAL STORE & ORS Petitioners

versus

ASSA RAM

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. S.D. Ansari with Mr. I. Ahmed, Advocates
with petitioner No.2 in person.

For the Respondent: Mr. Kirti Uppal, Sr. Advocate with Mr. N.K.
Kantawala, Mr. Satyender Chahar and Mr. Aditya
Awasthi, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

**RC.REV. 354/2015 & CM APPL.12630/2015 (stay), CM
APPL.29202/2018 (directions), CM APPL. 44812/2018 (for recall
of order dated 24.07.2018)**

1. Petitioners impugn order dated 16.03.2015, whereby the leave to defend application of the petitioners was dismissed 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 one shop bearing No.33, Central Road, Bhogal, Jungpura, New Delhi, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned counsel for the petitioners, under instructions from the petitioner No.2, who is present in Court in person, seeks leave to withdraw the petition.

4. Petitioner No.2, who is present in Court in person, undertakes on his behalf as also on behalf of petitioner Nos.1 and 3 that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2021. Petitioners further undertake that they shall pay a sum of Rs. 3600/- per month as use and occupation charges till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2021.

5. Petitioners further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises on or before 31.05.2021. Petitioners further undertake that they shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. They further undertake that they 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 petitioners filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 16.03.2015 shall remain stayed till 31.05.2021.

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

SANJEEV SACHDEVA, J

NOVEMBER 18, 2019
st