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

% Judgment delivered on: 18.09.2019
+ RC.REV. 639/2018

NAND KISHORE & SONS Petitioner

versus

KAILASH NATH JALAN Respondent

Advocates who appeared in this case:

For the Petitioner: Ms. Neha Jain, Advocate.

For the Respondent: Mr. Shiv Charan Garg with Mr. Imran Khan and
Mr. Azam Lutfi, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 639/2018 & CM APPL.54095/2018,
CM APPL.19229/2019, CM APPL.25399/2019

1. Petitioner impugns order dated 07.08.2018, whereby, the leave to defend application of the petitioner had been dismissed and eviction order passed.

2. Respondent landlord had filed the subject eviction petition seeking eviction of the petitioner from one shop situated at ground floor of property bearing Municipal No.7682, GT Road, Clock Tower, Subzi Mandi, Delhi, more particularly, as shown in red colour in the

site plain annexed with the eviction petition.

3. Learned 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 landlord on or before expiry of 18th September, 2021.

5. Petitioner further undertakes that he shall pay use and occupation charges @ Rs. 750/- per month from the expiry of the period of 6 months from the date of the impugned order till he hands over the peaceful vacant possession of the tenanted premises to the respondent landlord.

6. Petitioner further undertakes that he shall clear all water, electricity and other charges in respect of the tenanted premises prior to vacating the said shop. He further undertakes that he shall not part with the possession of the entire or any part of the tenanted premises to any third party.

7. The undertaking is accepted.

8. Learned Counsel for the Respondent submits that the undertaking is acceptable to the respondent.

9. In view of the above, the petition is dismissed as withdrawn.

10. On petitioner filing an affidavit of undertaking in the above terms within a period of two weeks from today execution of the impugned dated 07.08.2018 shall remain stayed till 18.09.2021.

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

SEPTEMBER 18, 2019

'rs'

SANJEEV SACHDEVA, J