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

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Judgment delivered on: 17.10.2019

+ RC.REV. 544/2015

MUSARAF AHMAD

..... Petitioner

versus

PRITAM SHARMA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Ms. Pushti Gupta, Advocate with petitioner in person.

For the Respondent: Mr. C.P. Tyagi and Mr. Manish Bishnoi, Advocates with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 20.05.2015, whereby eviction petition filed by the respondent has been allowed after trial.

2. Subject eviction petition was filed by the respondent seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, from shop No. 4, Tanky Road, Pt. Yadram Market, Opposite Dispensary, Bhajanpura, Delhi, more particularly as shown in red colour in the site

plan annexed with the eviction petition.

3. Learned counsel for the petitioner, under instructions from the petitioner, 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 31.08.2021. Petitioner further undertakes that he shall pay a sum of ₹ 10,000/- per month as use and occupation charges to the respondent till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.08.2021.

5. Petitioner further undertakes that the petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises on or before 31.08.2021. Petitioner further undertakes that the petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof.

6. Learned counsel for the petitioner submits that the subject premises require certain repair. Learned counsel for the respondent submits that the respondent has no objection to the repairs being carried out by the petitioner subject to the condition that no damage is caused to the property. Petitioner further undertakes that the petitioner shall not cause any damage to the property and shall hand over the

peaceful vacant possession of the tenanted premises to the respondent in a condition as existing today, subject to normal wear and tear.

7. The undertaking is accepted.

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

9. The Petition is accordingly dismissed as withdrawn.

10. On petitioners filing an affidavit of undertaking, within two weeks in the above terms, execution of the impugned order dated 20.05.2015 shall remain stayed till 31.08.2021.

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

OCTOBER 17, 2019
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SANJEEV SACHDEVA, J