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

% Judgment delivered on: 28.11.2019
+ RC.REV. 607/2015

RAM LAKHAN CHAURASIA(NOW DECEASED) Petitioner

versus

SANTOSH KUMARI Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. J.M. Bari and Ms. Shweta Bari, Advocates with petitioner in person.

For the Respondent: Mr. B.L. Chawla, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugns order dated 05.10.2015, whereby the leave to defend application of the petitioners was dismissed and an eviction order passed.

2. Subject eviction petition was filed by the respondent seeking eviction of the predecessor of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, from tenanted premises comprises of one shop privately marked as shop no. 1 situated on the ground floor of property No. BE-355, Gali No. 6. Hari Nagar. New Delhi-1 10064, more particularly as shown in

red colour in the site plan annexed with the eviction petition.

3. Learned counsel for the petitioners, under instructions from son of the original petitioner – Shri Tirath Raj (Legal Representative No. 2), seeks leave to withdraw the petition.

4. Shri Tirath Raj, who is present in Court in person, undertakes for himself and on behalf of the other legal heirs of the deceased petitioner that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021. He further undertakes that they shall pay a sum of Rs. 3,600/- per month as use and occupation charges to the respondent till the time they hand over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.03.2021.

5. Learned counsel for the respondent submits that petitioner has not paid the use and occupation charges as directed by the order dated 10.02.2017 and there are some arrears of rent.

6. Petitioners undertake that the arrears of use and occupation charges shall be cleared in four equal monthly instalments.

7. Shri Tirath Raj further undertakes that petitioners shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioners vacate the premises on or before 31.03.2021.

8. Shri Tirath Raj further undertakes that petitioners shall not

sublet, assign or part with the possession of the tenanted premises or any part thereof. He further undertakes that petitioners 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.

9. The undertaking is accepted.

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

11. The Petition is accordingly dismissed as withdrawn.

12. Subject to petitioners filing affidavits of undertaking in the above terms, within a period of four weeks, execution of the impugned order dated 05.10.2015 shall remain stayed till 31.03.2021.

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

NOVEMBER 28, 2019
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SANJEEV SACHDEVA, J