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

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Judgment delivered on: 18.12.2019

+ RC.REV. 33/2016

M/S M S NEGI (HUF)

..... Petitioner

versus

R K GUPTA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Rajat Sehgal with Mr. Swaroopanand Mishra
and Mr. Mandavya Kapoor, Advocates.

For the Respondent:

Mr. Mayank Mehandru with Ms. Charu Tandon,
Advocate for respondent Nos.1 to 5

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.54057/2019 (seeking recalling of order dated 21.10.2019)

With the consent of parties the Revision Petition is taken up for consideration today. Application is disposed of.

RC.REV. 33/2016 & CM APPL.2311/2016 (stay), CM APPL.2312/2016 (for appointment of LC), CM APPL.7893/2019 (under Section 340 Cr.P.C)

1. Petitioner impugns order dated 03.10.2015, whereby the leave to defend application of the petitioner has been dismissed and an

eviction order passed.

2. Subject eviction petition was filed by the respondents 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. 12, 13 and 14 in the building situated at Property bearing No.92E/1, R. K. Market, Munirka, New Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

3. Learned counsel for the petitioner seeks leave to withdraw the petition. He further submits that he has instructions on behalf of the petitioner to undertake that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 15.05.2020.

4. Learned counsel for the Petitioner further undertakes on behalf of the petitioner that 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 15.05.2020. Learned counsel for the Petitioner further undertakes on behalf of the petitioner that the petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. He further undertakes that petitioner shall not cause any damage to the tenanted premises and shall hand over the peaceful and vacant possession of the tenanted premises in the same condition as it exists today subject to normal wear and tear.

5. The undertaking is accepted.
6. Learned Counsel for the Respondents submits that the undertaking is acceptable to the respondents.
7. Learned counsels for the parties confirm that the use and occupation charges till 15.05.2020 have already been settled between the parties.
8. Petition is, accordingly, dismissed as withdrawn.
9. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 03.10.2015 shall remain stayed till 15.05.2020.
10. The next date of 12.03.2020 is cancelled.
11. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 18, 2019
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