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

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Judgment delivered on: 04.02.2020

+ RC.REV. 692/2019 & CM APPL. 53048/2019

KUMKUM KAPOOR

..... Petitioner

versus

SUSHILA DEVI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Manu Nayar & Mr. S.Pathak, Advocates.

For the Respondent: Mr. Shalabh Gupta, Mr. Aditya Laroyia, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 03.07.2019, whereby the leave to defend application of the petitioner has been dismissed and an eviction order passed.

2. Respondent had filed the subject eviction petition seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 in respect to shop in property bearing No.V-273, Ground Floor, Rajouri Garden, New Delhi, more particularly as shown in red colour in the site plan attached to 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 undertakes that she shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.10.2021. She further undertakes that she shall pay a sum of ₹ 6000/- per month with effect from 01.02.2020 as use and occupation charges to the respondent till the time she hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.10.2021.

5. Petitioner further undertakes that she shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises on or before 31.10.2021.

6. She further undertakes that she shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. She further undertakes that she 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 The Petition is accordingly dismissed as withdrawn.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. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 03.07.2019 shall remain stayed till 31.10.2021.

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

FEBRUARY 04, 2020

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SANJEEV SACHDEVA, J.