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

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Judgment delivered on: 07.02.2020

+ RC.REV. 602/2019 & CM APPL. 46246/2019

VINOD KUMAR

..... Petitioner

versus

KAMLESH & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Sharad Chandra, Advocate.

For the Respondent:

Ms. Babita Sharma, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugn order dated 23.08.2019 whereby leave to defend application of the petitioners has been dismissed as the same was filed beyond the time and eviction order passed.

2. Respondents had filed the subject eviction petition seeking eviction of the petitioner from Shop No.WZ-24, "Verma Electrical Works" measuring 18'.2" x 9'x 9" and Godown/shop measuring 9'.2" x 9'. 9" behind said shop, Village Titarpur, New Delhi-110027, more particularly as shown red colour in the site plan annexed to the eviction petition.

3. Learned counsel for the petitioner under instructions from petitioner, who is present in court, 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 respondents on or before 30.07.2021. Petitioner further undertakes that petitioner shall pay use and occupation charges at the rate of Rs.3500/- per month with effect from 01.03.2020 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 30.07.2021.

5. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises. He further undertakes that he shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. He further undertakes that he shall not cause any damage to the tenanted premises and shall hand over the possession of the same in the condition as it exists today subject to normal wear and tear.

6. The undertaking is accepted.

7. Learned counsel for the respondents under instructions from the respondents submit that the undertaking is also acceptable to the respondents.

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 In view of the above, the petition is dismissed as withdrawn.

9. Subject to petitioner filing affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 23.08.2019 shall remain stayed till 31.07.2021.

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

SANJEEV SACHDEVA, J.

FEBURARY 07, 2020

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