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

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Judgment delivered on: 19.02.2020

+ RC.REV. 51/2020 with CM APPL. 2940/2020 & 2942/2020

VIJENDER GUPTA & ORS

..... Petitioners

versus

RAJINDER JAIN & ORS

..... Respondents_

Advocates who appeared in this case:

For the Petitioner: Mr. Tarun Diwan with Ms. Darshika Tahlani,
Advocates for petitioner No.1 along with petitioner
Nos.1 and 2 in person.

For the Respondent: Mr. Rakesh Kumar, Advocate with respondent No.1
along with respondent No.1 in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 26.07.2019, whereby the leave to defend application has been dismissed and an eviction order passed.

2. Subject eviction petition was filed by respondent No. 1 seeking eviction of the petitioners and respondents 2 to 4 on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, in respect of tenanted premises i.e. one room, kitchen, WC, bathroom and open terrace situated at 1st Floor, property bearing

House No.340, Bagh Kare Khan, Kishanganj, Delhi-110007, 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 the petitioners, seeks leave to withdraw the petition.

4. Petitioners Nos.1 and 2, who are present in Court in person, undertake that petitioners shall vacate and handover the peaceful vacant possession of the tenanted premises to respondent No. 1 on or before 31.12.2020. They undertake that Petitioners shall pay a sum of ₹5000/- per month with effect from 01.02.2020 as use and occupation charges to the respondents till the time they hand over the peaceful vacant possession of the tenanted premises to respondent No. 1 on or before 31.12.2020.

5. They further undertake that petitioners shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioners vacates the premises on or before 31.12.2020. They further undertake that Petitioners shall not sublet, assign or part with the possession of the tenanted premises or any part thereof.

6. They further undertake that Petitioners shall not cause any damage to the property and shall hand over the peaceful vacant possession of the tenanted premises to respondent No. 1 in a condition as existing today, subject to normal wear and tear.

7. The undertaking is accepted.
8. Learned Counsel for the respondents submits that the undertaking is acceptable to the respondent No.1.
9. The Petition is accordingly dismissed as withdrawn.
10. Subject to petitioner filing an affidavit of undertaking, within a period of two weeks in the above terms, execution of the impugned order dated 26.07.2019 shall remain stayed till 31.12.2020.
11. Order *Dasti* under signatures of the Court Master.

FEBRUARY 19, 2020
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SANJEEV SACHDEVA, J