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

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Judgment delivered on: 11.02.2020

+ RC.REV. 84/2020 & CM APPL. 5464-5465/2020

VED PRAKASH AGGARWAL

..... Petitioner

versus

NITU TIWARI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Vipin Kumar Saini, Advocate with
petitioner in person

For the Respondent:

Mr. Bhaskar Tiwari, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 19.09.2019 whereby leave to defend application of the petitioner 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 One Shop bearing Municipal No.305/7A, Rai Sahib Market, Masjid Moth, South Extension Part-II, New Delhi-110049, 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 31.07.2021. Petitioner further undertakes that he shall pay use and occupation charges at the rate of Rs.5,000/- per month with effect from 01.04.2020 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondents on or before 31.07.2021.

5. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates 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 submits 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 In view of the above, the petition is dismissed as withdrawn.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 19.09.2019 shall remain stayed till 31.07.2021.

10. Learned counsel for the petitioner further submits that the petitioner intends to carry out certain repair works of the tenanted premises as well as the roof over the tenanted premises.

11. Learned counsel for the respondents submits that petitioner has no concern with the roof, however, the respondents shall permit access to the petitioner to the roof purely for the purpose for carrying out the repair works.

12. Petitioner is permitted to carry out the repair works, however, petitioner shall not make any structural additions/alterations to the tenanted premises.

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

SANJEEV SACHDEVA, J.

FEBRUARY 11, 2020

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