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

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Judgment delivered on: 04.03.2020.

+ RC.REV. 96/2020

SHAILESH KUMAR

..... Petitioner

versus

NEERAJ KUMAR AGGARWAL

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Ms.Gauri Puri, Advocate along with Mr.Jyotendra Sanghi.

For the Respondent:

Mr.Ajay Gupta, Mr. Aishwary Jain, Mr.Shubham Prasad, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CAV. 143/2020

In view of the appearance of the respondents, the caveat stands discharged.

CM APPL. 6084/2020 (Exemption)

Allowed, subject to all just exceptions.

RC.REV. 96/2020 & CM APPL. 6083/2020

1. Petitioner impugns order dated 09.10.2019, 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 respondent seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, from one shop at ground floor bearing No.13/2-BII, Gali Khari Kuan, Chawri Bazar, Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

3. Learned counsel for the petitioner under instructions from Mr. Jyotendra Sanghi who is present in person 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 30.06.2020. Learned counsel for the petitioner undertakes on behalf of the petitioner that the arrears of rent shall be cleared by the petitioner. He further undertakes that the petitioner shall pay use and occupation charges at the agreed rate of rent till 30.06.2020.

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 30.06.2020. 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 Respondent submits that the undertaking is acceptable to the respondent.

7. Petition is, accordingly, dismissed as withdrawn.

8. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 09.10.2019 shall remain stayed till 30.06.2020.

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

MARCH 04, 2020
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SANJEEV SACHDEVA, J