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

% Judgment delivered on: 02.03.2020
+ RC.REV. 121/2020

JOGINDER PAL Petitioner

versus

ANJU JAIN Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Vishal Sinha, Advocate.

For the Respondent: Ms. Payal Jain and Mr. Sumit Kumar, Advocates

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CAV 195/2020

In view of appearance of learned counsel for respondent, the caveat stands discharged.

RC.REV. 121/2020 & CM APPL. 8362 /2020 (stay)

1. Petitioners impugn order dated 04.11.2019, whereby the Leave to defend application of the petitioner has been dismissed by the Rent Controller 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 from shop on ground floor in property No. 1874, Gali No. 46-47, Naiwala, Karol Bagh, 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. Learned counsel for the petitioner undertakes on behalf of the petitioner that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 28.02.2021. He further undertakes that petitioner shall continue to pay the rent @ ₹ 535/- till 30.04.2020 and thereafter he shall continue to pay a sum of ₹ 25,000/- per month with effect from 01.05.2020 as use and occupation charges to the respondent till the time petitioner hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 28.02.2021. The arrears of use and occupation charges shall be cleared within two months.

5. Learned counsel for the petitioner also undertakes that petitioner shall clear the arrears of rent, if any, and shall furnish the proof of payment/deposit for the period that petitioner seeks credit for along with affidavit of undertaking within two weeks.

6. He further undertakes that petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises

before petitioner vacates the premises. He further undertakes that petitioner shall not sublet, assign or part with the possession of the entire or any portion of the tenanted premises to any third party.

7. He further undertakes that petitioner 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 maintenance.

8. The undertaking is accepted.

9. Learned counsel for the respondent under instructions from the respondent submits that the undertaking is also acceptable to the respondent.

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

11. Subject to petitioner filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 04.11.2019 shall remain stayed till 28.02.2021.

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

SANJEEV SACHDEVA, J

MARCH 02, 2020
Aj