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

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Judgment delivered on: 22.12.2020

+ CM(M) 440/2020

SHINING BOOK DEPOT

..... Petitioner

versus

MEENAKSHI AGGARWAL & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Raman Kapur, Senior Advocate with Mr. Varun Kapur, Advocate.

For the Respondent: Mr. Puneet Bhatnagar, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 02.03.2020 whereby the Rent Control Tribunal has allowed the appeal of the respondent under Section 38 of the Delhi Rent Control Act and passed an order of eviction under Section 14(1)(b) of the Delhi Rent Control Act, 1958 on the ground of sub letting.
3. Respondent had filed the subject petition seeking eviction of the petitioner from one shop on the ground floor bearing No.903, Main

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to HMJ Sanjeev Sachdeva.

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Bazar, Nai Sarak, Delhi being part of Property No.902-904, Main Bazar, Nai Sarak, Delhi-110006, more particularly as shown in red colour in the site plan annexed to the eviction petition.

4. After trial, the Additional Rent Controller dismissed the eviction petition by judgment and order dated 26.11.2018. In appeal the Rent Control Tribunal accepted the appeal of the respondent/landlord and by the impugned order dated 02.03.2020 passed an order of eviction. The alleged sub tenant Om Parkash, respondent No.2 was ex parte before both the Additional Rent Controller as well as the Rent Control Tribunal and has not impugned the order.

5. After some arguments, learned counsel for the petitioner seeks leave to withdraw the petition.

6. Learned counsel for petitioner under instructions from Mr. Mahender Kumar Kapoor, husband of the petitioner, Smt. Uma Kapoor undertakes to vacate and hand over the peaceful vacant possession of the tenanted premises on or before 31.10.2021. He undertakes that petitioner shall pay use and occupation charges at the rate of Rs.2500/- per month w.e.f. 01.01.2021 till the time he vacates the premises.

7. He 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 possession of the tenanted premises or any part thereof and he shall not cause any damage to the property and shall hand over the same in the same condition as existing today, subject to normal wear and tear.

8. Learned counsel for the respondents under instructions from the respondents submits that the undertaking is acceptable to the respondents.

9. The undertaking is accepted. Petitioner shall file an affidavit of undertaking in the above terms within two weeks from today.

10. The petition is accordingly dismissed as withdrawn. However, subject to petitioner abiding by the terms and conditions of the undertaking, the eviction order shall not be executed till 31.10.2021.

11. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 22, 2020

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