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

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Judgment delivered on: 13.01.2020

+ RC.REV. 441/2019

SAT NARAIN MITTAL & ANR Petitioners

versus

RADHEY SHYAM GUPTA (DECEASED) THR LRS
.... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. P.D. Gupta, Sr. Advocate with Mr. Atul Gupta,
Advocate with petitioners in person.

For the Respondent: Mr. Siddharth Bambha with Ms. Shruti Joshi, Advocates
with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 441/2019 & CM APPL.33082/2019 (stay)

1. Petitioners impugn order dated 30.04.2019, whereby application to bring on record subsequent development was dismissed. Petitioners also impugn order dated 07.05.2019, whereby leave to defend application of the petitioners was dismissed and an eviction order passed.

2. Respondents had filed the subject eviction petition seeking

eviction of the petitioners on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from one shop on ground floor of property bearing No. 11705/6, Shakti Nagar, G.T. Road, Delhi-110007, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned counsel for the petitioners under instructions from the petitioners, who are present in Court in person, seeks leave to withdraw the petition.

4. Petitioners, who are present in Court in person, undertake on that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 31.12.2020. Petitioners further undertake that they shall pay a sum pay Rs.10,000/- per month as use and occupation charges with effect from 01.11.2019 till the time they hand over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.12.2020.

5. Petitioners further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before they vacate the premises on or before 31.12.2020. They further undertake that they shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. They further undertake that they shall not cause any damage to the tenanted premises and hand over the possession of the same to the Respondent in the same condition as it exists today subject to normal wear and tear.

6. The undertaking is accepted.

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

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

9. The amount paid by the petitioner pursuant to order dated 01.11.2019 shall be adjusted towards the payment of use and occupation charges.

10. Subject to petitioners filing an affidavit of undertaking in the above terms within a period of four weeks from today, execution of the impugned order dated 07.05.2019 shall remain stayed till 31.12.2020.

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

JANUARY 13, 2020
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SANJEEV SACHDEVA, J