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

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Judgment delivered on: 14.01.2020

+ RC.REV. 487/2019 & CM APPL. 36863/2019

MANVEER SINGH & SONS

..... Petitioners

versus

KAMLESH

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr.Devangya Kainth, Advocate.

For the Respondent: Mr.Jitendra Kumar, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 02.04.2019, whereby the Leave to defend application of the petitioners has been dismissed 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 with regard to shop situated at the ground floor in property bearing House No.X/568, Gali No.9, Raghubar Pura-I, Gandhi Nagar, Delhi-110031, 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 seeks leave to withdraw the petition.

4. Petitioners who are present in Court in person, undertake that they shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 30.06.2021. Petitioners further undertake that petitioners shall pay use and occupation charges at the rate of Rs. 3000/- per month 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 30.06.2021. Petitioners further undertake to clear the arrears of use and occupation charges within a period of four weeks from today.

5. Petitioners further undertake that they shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises. 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 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 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. Subject to petitioners filing affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 02.04.2019 shall remain stayed till 30.06.2021.

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

SANJEEV SACHDEVA, J.

JANUARY 14, 2020

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