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

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Judgment delivered on: 26.02.2020

+ RC.REV. 674/2019

INDER KUMAR

..... Petitioner

versus

RAKESH KUMAR JAIN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Aman Shanker, Mr. G. Singh. Advocates

For the Respondent: Mr. Hitesh Pandey, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 29.05.2019, whereby leave to defend application of the petitioner 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 from shop at the First Floor of the property bearing Municipal No. 2994/95, Gali Kalyan Singh, Ram Bazar, Mori Gate, Delhi 110006, more

particularly as shown in red colour in site plan annexed 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. Petitioner who is present in court in person undertakes that he shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 28.02.2022. He further undertakes that petitioner shall pay a sum of ₹10,000/- per month with effect from 01.12.2019 till 28.02.2021 and ₹15,000/- per month with effect from 01.03.2021 till 28.02.2022 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 28.02.2022. Petitioner further undertakes to clear the arrears of rent at the rate of ₹300/- per month till 01.12.2019, within four weeks.

5. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises on or before 28.02.2022.

6. Petitioner further undertakes that he shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. He further undertakes that he 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 wear and tear.

7. The undertaking is accepted.

8. Learned Counsel for the Respondents submits that the undertaking is acceptable to the respondents.

9. The Petition is accordingly dismissed as withdrawn.

10. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 29.05.2019 shall remain stayed till 28.02.2022.

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

FEBRUARY 26, 2020

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SANJEEV SACHDEVA, J.