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

% Judgment delivered on: 17.02.2020

+ RC.REV. 94/2020 & CM APPL. 6043-44/2020 & 6046/2020

NARESH KUMAR ARORA & ANR Petitioners

versus

NITIN GARG Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Vivek Sibal, Mr.Rahul Sharma and Mr.Jitender Ratta, Advocates with petitioner in person.

For the Respondent: Mr. O.P.Verma, Advocate with respondent.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 05.08.2019, whereby the eviction petition filed by the respondent has been allowed after trial.

2. Subject eviction petition was filed by the respondent seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of the Delhi Rent Control Act, 1958, in respect of one shop in premises bearing No.29/2, Nangia Park, Shakti Nagar, Delhi, more particularly as shown in red colour in the site plan

annexed with the eviction petition.

3. Learned counsel for the petitioner, under instructions from the petitioner, 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 31.05.2021. Petitioner further undertakes that he shall pay a sum of ₹ 20,000/- per month as use and occupation charges to the respondent w.e.f. 01.03.2020 till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.05.2021.

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 31.05.2021. Petitioner further undertakes that he shall not sublet, assign or part with the possession of the tenanted premises or any part thereof.

6. Petitioner 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 respondents in a condition as existing today, subject to normal wear and tear.

7. Petitioner further undertakes to withdraw the appeal filed by the petitioner impugning the judgment and decree dated 22.11.2019 in Suit No.94771/2016 pending before the Court of Additional District

Judge, Tis Hazari Courts, Delhi.

8. The undertaking is accepted.

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

10. The Petition is accordingly dismissed as withdrawn.

11. Subject to petitioner filing an affidavit of undertaking, within two weeks in the above terms, execution of the impugned order dated 05.08.2019 shall remain stayed till 31.05.2021.

12. It is informed that the petitioner has already deposited the rent upto 31.12.2022 directly into the account of the respondent. On furnishing proof of the deposit, petitioner shall be entitled to adjustment of the amount deposited in the account of the respondent from the use and occupation charges.

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

SANJEEV SACHDEVA, J

FEBRUARY 17, 2020

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