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

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Judgment delivered on: 18.02.2020

+ RC.REV. 112/2017 & CM APPL. 8899/2017

PRATAP RAI

..... Petitioner

versus

KRISHNA GABA & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Harish Malhotra, Sr. Advocate with Mr. Rajesh Bhatia and Mr. Hemant Kakkar, Advocates along with petitioner in person.

For the Respondent:

Mr.K.K.Jha, Advocate with respondent in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 08.09.2016, whereby the leave to defend application has been dismissed and an eviction order passed.
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 room with store at its back situated on the ground floor bearing property No.7A/7, Channa Market, W.E.A. Karol Bagh, New Delhi-

110005, 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 31.08.2021. Petitioner further undertakes that he shall pay a sum of ₹15,000/- per month with effect from 01.02.2020 as use and occupation charges to the respondent till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 31.08.2021.

5. He 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 31.08.2021. Petitioner further undertakes that he shall not sublet, assign or part with the possession of the tenanted premises or any part thereof.

6. 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 respondent submits that the undertaking is acceptable to the respondent.

9. The Petition is accordingly dismissed as withdrawn.

10. Subject to petitioner filing an affidavit of undertaking, within two weeks in the above terms, execution of the impugned order dated 08.09.2016 shall remain stayed till 31.08.2021.

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

FEBRUARY 18, 2020
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SANJEEV SACHDEVA, J

सत्यमेव जयते