

\$~7

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

%

Judgment delivered on: 07.01.2020

+ RC.REV. 31/2017 & CM APPL. 2835/2017, 2836/2017,
2838/2017 & CM APPL. 29422/2017

NORTH DELHI MUNICIPAL CORPORATION Petitioner

versus

INDU MITTAL & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Ms. Mini Pushkarna, Standing Counsel, North DMC with Ms. Khushboo Nahar, Ms. Swagata Bhuyan, Ms. Latika Malhotra, Advocates Mr. Bihari Shah, School Inspector, City SP Zone, North NDMC.

For the Respondent:

Mr. Vivek Sood, Sr. Advocate with Mr. Sunil Mittal, Advocates

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 18.07.2016 whereby eviction petition filed by the respondent was allowed 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, from ground floor and mezzanine floor of property bearing No. 1758, Gali Kuan Wali, Rang Mahal, S.P. Mukherjee Marg, Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

3. By order dated 18.07.2016, after trial, eviction petition was allowed and the eviction order was passed.

4. Learned counsel for the petitioner submits that the Municipal Corporation is running a school in the subject property and she has instructions to state that the petitioner is willing to give up their rights in the subject property and undertake to vacate and handover peaceful vacant possession of the tenanted premises provided time is granted to vacate on or before 31.05.2020.

5. Learned counsel further submits that the said statement has already been approved by the competent authority i.e. Commissioner of North Delhi Municipal Corporation.

6. Accordingly, Ms. Mini Pushkarna, Standing Counsel seeks leave to withdraw the present eviction petition.

7. Ms. Mini Pushkarna, Standing Counsel undertakes on behalf of the petitioner-North DMC that petitioner shall vacate and hand over peaceful vacant possession of the tenanted premises on or before 31.05.2020.

8. She further undertakes that petitioner shall clear all water,

electricity and other dues/charges, if any, in respect of the tenanted premises before the petitioner vacates the premises on or before 31.05.2020.

9. She further undertakes that petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. She further undertakes that petitioner 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.

10. The under taking is accepted.

11. Learned counsel appearing for the respondent submits that the undertaking is acceptable to the respondents.

12. In view of the above, the Petition is dismissed as withdrawn.

13. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 18.07.2016 shall remain stayed till 31.05.2020.

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

SANJEEV SACHDEVA, J

JANUARY 07, 2020

'rs'