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

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Judgment delivered on: 12.02.2020

+ RC.REV. 491/2018

PRAMOD GUPTA

..... Petitioner

versus

AMARJEET SINGH

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Rajeev Sharma, Advocate.

For the Respondent: Mr. O.P. Saxena, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 491/2018 & CM APPL.42913/2018 (stay), CM APPL.14108/2019 (filed on behalf of respondent to direct the petitioner)

1. Petitioner impugns order dated 22.09.2014 read with review order dated 16.04.2018 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 with regard to one

shop No.3/2793, 1st Floor, Ashok Gali, Milton ad, Mori Gate, Delhi measuring 12.02” x 8.7” sq.ft., more particularly as shown in red colour in the site plan attached to the eviction petition.

3. Learned counsel for the petitioner, under instructions from the petitioner, seeks leave to withdraw the petition.

4. The petitioner, who is present in court, undertakes that he shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 11.02.2021. He further undertakes that he shall continue to pay use and occupation charges @ Rs.180/- per month till the time he hands over the peaceful vacant possession of the tenanted premises to the respondent on or before 11.02.2021.

5. Learned counsel for the petitioner submits that some rent has been deposited under Section 27 of the Delhi Rent Control Act. Petitioner undertakes to provide the receipt of deposit of rent before the Rent Controller and/or pay the arrears of rent @ Rs.180/- per month within four weeks.

6. Petitioner further undertakes that he shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises on or before 11.02.2021.

7. He 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.

8. The undertaking is accepted.

9. Learned Counsel for the Respondent submits that the undertaking is acceptable to the respondent.

10. Petition is, accordingly, dismissed as withdrawn.

11. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of impugned order dated 22.09.2014 read with review order dated 16.04.2018 shall remain stayed till 11.02.2021.

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

FEBRUARY 12, 2020
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SANJEEV SACHDEVA, J.