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

% Judgment delivered on: 27.01.2020
+ RC.REV. 573/2018 & CM APPL. 50264/2018

M/S SHANTI PLASTIC

..... Petitioner

versus

SUNDER LAL

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Jai Sahai Endlaw, Mr. Shivansh and Ms. Deepika Mishra, Advocates

For the Respondents: Mr. Sidharth Tyagi and Mr. Parth Chadha, Advocates

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 25.08.2018, whereby the leave to defend application of the petitioner 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, from one shop ad-measuring 6 feet x 8 feet, Ground Floor of property bearing No. 6259-60, Kucha Shiv Mandir, Naya Bans, Khari Baoli, Delhi, more

particularly as shown in red colour in the site plan annexed with the eviction petition.

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

4. Learned counsel for the petitioner submits that he has instructions from the petitioner to undertake on his behalf that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 30.04.2021. He further undertakes that petitioner shall pay a sum of ₹ 3600/- per month w.e.f. 01.03.2019 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 30.04.2021. He undertakes that Petitioner shall clear the arrears within a period of four weeks.

5. Learned counsel for the petitioner further undertakes that petitioner shall clear all water, electricity and other dues/charges in respect of the tenanted premises before the petitioner vacates the premises on or before 30.04.2021.

6. Learned counsel further undertakes that petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. He 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.

7. The undertaking is accepted.

8. Learned Counsel for the Respondent 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 25.08.2018 shall remain stayed till 30.04.2021.

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

JANUARY 27, 2020

'rs'

SANJEEV SACHDEVA, J