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

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Judgment delivered on: 19.02.2020

+ RC.REV. 681/2015 & CM APPL.31202/2015, 55682/2019

M/S JAIN MOTOR CAR COMPANY PVT LTD Petitioner

versus

ARJUN UPPAL & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Pradeep Dewan, Sr.Advocate with Mr.Ashok Popli, Advocate along with Mr.Amit Jain, Director of the petitioner company.

For the Respondent:

Mr. Raj Shekhar Rao, Mr.Nakul Sachdeva, Mr.Naman Joshi, Mr.Daman Deep Singh, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 28.08.2015, whereby the leave to defend application has been dismissed and an eviction order passed.

2. Subject eviction petition was filed by the respondents 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 measuring 1409 sq.feet bearing Municipal No.1646, Shyama Prasad Mukherjee Marg, Delhi-110006, 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 Mr.Amit Jain, Director and authorised representative of the petitioner, seeks leave to withdraw the petition.

4. Mr.Amit Jain, Director and authorised representative of the petitioner, who is present in Court in person, undertakes that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondents on or before 28.02.2021. He further undertakes that Petitioners shall pay continue to pay a sum of ₹30,000/- per month as use and occupation charges to the respondents till the time they hand over the peaceful vacant possession of the tenanted premises to the respondents on or before 28.02.2021.

5. He 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 28.02.2021. He further undertakes that Petitioner shall not sublet, assign or part with the possession of the tenanted premises or any part thereof.

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

7. The undertaking is accepted.

8. Learned Counsel for the respondents 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, within a period of two weeks in the above terms, execution of the impugned order dated 28.08.2015 shall remain stayed till 28.02.2021.

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

FEBRUARY 19, 2020

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SANJEEV SACHDEVA, J