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

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Judgment delivered on: 29.11.2019

+ RC.REV. 474/2015

KUNDAN LAL

..... Petitioner

versus

SANJAY KUMAR

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Ashish Sehrawat with Mr. Kapil Yadav,
Mr. Ravi Kumar and Mr. Prashant Sharma, Advs.

For the Respondent: Mr. Naveen K. Sharma, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

RC.REV. 474/2015 & CM APPL.18663/2015 (stay)

1. Petitioner impugns order dated 23.04.2015, whereby the leave to defend application of the petitioner was 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 situated at the ground floor in property No.B-102/1 (old No.B-457/1), Madhu Kunj, Shivaji Road, North Ghonda, Shahdara, Delhi, more

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

3. Learned counsel for the petitioner seeks leave to withdraw the petition. He further submits that that he has instructions on behalf of the petitioner to undertake that petitioner shall vacate and handover the peaceful vacant possession of the tenanted premises to the respondent on or before 15.01.2020.

4. Learned counsel for the Petitioner further undertakes on behalf of the petitioner 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 15.01.2020. Learned counsel for the Petitioner further undertakes on behalf of the petitioner that the 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 tenanted premises and shall hand over the peaceful and vacant possession of the tenanted premises in the same condition as it exists today subject to normal wear and tear.

5. Learned counsels for the parties submit that the use and occupation charges have been settled.

6. The undertaking is accepted.

7. Learned Counsel for the Respondent submits that the

undertaking is acceptable to the respondent.

8. Petition is, accordingly, dismissed as withdrawn.

9. Subject to petitioner filing an affidavit of undertaking in the above terms, within a period of two weeks, execution of the impugned order dated 23.04.2015 shall remain stayed till 15.01.2020.

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

SANJEEV SACHDEVA, J

NOVEMBER 29, 2019
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