

(2019) 10 DEL CK 0345

In the Delhi High Court

Case No : RC. Revision No. 420 Of 2019

Krishan Lal Gosain & Anr

APPELLANT

Vs

Mahender Kumar Gupta

RESPONDENT

Date of Decision : 31-10-2019

Acts Referred:

Delhi Rent Control Act, 1958 — Section 14(1)(e)

Citation : (2019) 10 DEL CK 0345

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : S.P. Mehta, Rohit Kumar

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioners impugn order dated 31.01.2019, whereby the Leave to defend application of the petitioner has been dismissed by the Rent Controller 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 from one shop on the ground floor in property bearing No.C-3, Housing Cooperative Society, South Extension-I, more particularly as shown in red colour in the site plan attached to the eviction petition. Leave to defend was granted to the petitioners and thereafter, after trial, the eviction petition was allowed and an eviction order passed.

3. Learned counsel for the petitioners, under instructions from the petitioner No.1, who is also the power of attorney holder of petitioner No.2, seeks leave to withdraw the petition.

4. Petitioner No.1, who is present in Court in person, undertakes that Petitioners shall vacate and handover the peaceful vacant possession of the tenanted

premises to the respondent on or before 31.03.2020. It is submitted that the use and occupation charges between the parties has already been settled.

5. Petitioner No.1 further undertakes that Petitioners shall clear all water, electricity and other dues/charges in respect of the tenanted premises before he vacates the premises on or before 31.03.2020. He further undertakes that Petitioners shall not sublet, assign or part with the possession of the tenanted premises or any part thereof. He further undertakes that Petitioners shall not cause any damage to the tenanted premises and hand over the possession of the same to the Respondent in the same condition as it exists today subject to normal wear and tear.

6. The undertaking is accepted.

7. Learned counsel for the respondent under instructions from the respondent submits that the undertaking is also acceptable to the respondent.

8. In view of the above, the petition is dismissed as withdrawn.

9. Subject to petitioners filing an affidavit of undertaking in the above terms within a period of two weeks from today, execution of the impugned order dated 31.01.2019 shall remain stayed till 31.03.2020.

10. Order Dasti under signatures of the Court Master.