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

+ **RC.REV. 78/2020**

RAKESH KUMAR Petitioner

Through: Mr. Bharat Ahuja, Advocate.

versus

GURDEEP SINGH GUMBER Respondent

Through: Mr. Satvinder Singh, Advocate with
Mr. Robin Bansal, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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10.02.2020

Caveat No.124/2020

Counsel for the respondent has entered appearance. Caveat accordingly stands discharged.

C.M. No.5183/2020 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

RC. REV. No.78/2020 and C.M. No.5182/2020

This revision petition impugns order dated 17.07.2019 whereby the learned Additional Rent Controller has dismissed the leave-to-defend application filed by the petitioner under Section 25B(4) of the Delhi Rent Control Act 1958 ; consequent upon which an eviction order has been passed.

After making some submissions, parties are agreeable that the present petition be disposed of by a consent order in the following terms:

- (i) petitioner shall vacate and surrender peaceful, physical possession of the subject premises i.e shop on the Ground Floor of property bearing No.25/63 West Punjabi Bagh, New Delhi to the respondent on or before 31.07.2020;
- (ii) petitioner shall clear all arrears of rent/ *mesne profits* due upto 31.01.2020 at the rate of ₹1,100/- per month, within the next four weeks;
- (iii) for the period from 01.02.2020 till 31.07.2020 petitioner shall pay use and occupation charges at ₹5,500/- per month, regularly and punctually, by or before the 7th of each English calendar month;
- (iv) petitioner shall not create any third-party rights or interests whatsoever in, nor part with possession of, the subject premises to any person or party;
- (v) petitioner shall clear all arrears of electricity and water charges as may be due for the subject premises prior to surrendering possession to the respondent;
- (vi) petitioner shall not use the subject premises for any purpose other than those permitted by law.

Let the petitioner file an affidavit of undertaking to the above effect in this court, within two weeks from today. Parties shall remain bound by the terms of consent given in court today.

In the meantime, respondent shall not press the execution petition which has been filed.

The petition and any pending applications stand disposed of in the above terms.

FEBRUARY 10, 2020/Ne **ANUP JAIRAM BHAMBHANI, J**