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

+ **RC.REV. 222/2025 & CM APPL. 45628/2025**

AJAY KUMAR

.....Petitioner

Through: Mr. Tarun Kumar Pandey, Adv. along
with petitioner in person.

versus

DOMESH KUMAR

.....Respondent

Through: Dr. Satish Kumar Tomar, Adv. along
with respondent in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

17.02.2026

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 25(B)(8) of the Delhi Rent Control Act, 1958 seeks the following prayers: -

“a) Set-aside the impugned order and judgement dated 16.04.2025 passed by Shri Ashwani Panwar, Ld. ACJ-CUM- CCJ-cum-ARC, New Delhi District, PHC, Delhi in the eviction petition bearing no. 06/2022 titled as Domesk Kumar Versus Ajay Kumar whereby the Hon'ble trial court/ARC dismissed the application for leave to defend filed by the petitioner under section 25-B (4) & (5) of the DRC Act, 1958 and allowed the eviction petition filed by the respondent U/S 14(1) (e) read with section 25(B) of the DRC Act and allow the petitioner herein to defend the eviction petition filed by the respondent herein.

Pass such other and further order(s), in favour of petitioner as this Hon'ble Court may deem fit and appropriate in the facts and circumstances of the case, in the interest of justice.”

3. *Vide* order dated 19.12.2025, learned Predecessor Bench of this Court had passed the following order: -



“1. Though learned counsel for the petitioner/ tenant, present in Court alongwith the tenant in person, submits that the tenant is ready and willing to vacate the subject premises to handover the peaceful and physical possession thereof to the respondent/ landlord within a reasonable time, and he is also willing to clear all pending arrears, as well as the future amount(s) towards user and occupation charges. However, for this he seeks, and is granted, a period of two weeks for obtaining appropriate instructions from the tenant and discussing it with the landlord.

2. As such, renotify on 13.01.2026.”

4. Subsequently, on 13.01.2026 it was stated on behalf of the petitioner who was present in the Court that he is willing handover the peaceful possession of the subject property to the respondent within a period of six months from the said date and he was also willing to pay user and occupational charges from 16.10.2025 at the rate of Rs.4,000/- per month till he vacates the aforesaid premises.

5. Accordingly, the petitioner was directed to file an affidavit of undertaking in the aforesaid terms. No affidavit has been filed.

6. Learned counsel appearing on behalf of the petitioner on instructions from the latter, who is present in Court today seeks leave to withdraw the present petition.

7. Leave granted.

8. The present petition is dismissed as withdrawn and disposed of accordingly.

9. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 17, 2026/kr/ah