

WPMS No. 663 of 2008

**Hon'ble Alok Singh, J.**

Mr. Atul Kumar Bansal, Advocate for the petitioner.

Mr. Rahul Consul, Advocate for respondent No. 2.

Mr. Naveen Chandra Agrawal S/o Late Shri Jai Jai Ram Gupta petitioner herein is present in person duly identified by Mr. Atul Kumar Bansal, Advocate for the petitioner and Mr. Deepak Agarwal son of sole respondent herein is also present in person duly identified by Mr. Rahul Consul, Advocate for the respondent No. 2.

Mr. Rahul Consul, learned counsel for respondent No. 2 submits that Mr. Deepak Agarwal is doing parvi on behalf of respondent No.2 landlord and he has been authorised by the respondent No.2 landlord to represent him in the Court today. Mr. Rahul Consul, learned counsel for the respondent No.2 further contends that he himself has received instruction telephonically from Mr. Om Prakash Agrawal to make statement in this Court for the consent order.

Affidavits of Naveen Chandra Agrawal and Deepak Agarwal are handed over in the Court which are taken on record.

Mr. Atul Kumar Bansal, learned counsel for the petitioner on the instruction of Mr. Naveen Chandra Agrawal who is present in Court and Mr. Rahul Consul, Advocate for the respondent No.2 on the telephonically instructions of Om Prakash Agrawal and on the instructions of Deepak Agarwal S/o Om

Prakash Agarwal who is present in Court submitted that present petition may be disposed of with their consent in the following terms :-

1. Petitioner is in possession of the shop as tenant right from the year 1990. Petitioner shall pay lumpsum Rs.7 lacs towards the arrears of rent to the landlord on or before 30<sup>th</sup> May, 2015.

2. Petitioner tenant shall pay rent of the shop, in question, to the landlord @ Rs. 10,000/- p.m. inclusive house tax and water tax w.e.f. 1<sup>st</sup> April, 2015 and rent shall be paid on or before 10<sup>th</sup> day of each and every month under the receipt.

3. Tenant petitioner shall carry out annual repairs and whitewash in the tenanted shop at his own expenses.

4. Petitioner tenant shall not part with the possession of the shop and shall not create any sub tenancy in the shop.

5. Petitioner shall not be evicted from the shop, in question, in next five years if tenant does not make default of either of the conditions.

6. Petitioner may occupy the shop with the consent of the landlord for further period of five years on the 10% enhanced rent.

7. Impugned order is quashed and parties shall bear their own cost.

**(Alok Singh, J.)**

Dated 31.03.2015

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