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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RC.REV. 475/2011 & CM Nos.21478-79/2011

RAKESH Petitioner
Through Mr. G.L. Goswami, Adv.
versus

HARMESH SINGH Respondent
Through Nemo

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

% **ORDER**
28.11.2011

The impugned order is the order dated 29.08.2011 vide which the eviction petition filed by the landlord Harmesh Singh seeking possession of the suit premises i.e. premises bearing No. 3/48, Shankar Road, Rajinder Nagar, New Delhi tenanted out to the tenant had been decreed in his favour.

Record shows that the summons had been served upon the defendant (petitioner) in the prescribed format for 31.07.2010. Application for leave to defend had been filed only on 20.08.2010. These are admitted facts. Contention before this Court is that the Advocate of the petitioner had been informed and he had undertaken to file the leave to defend in time but for reasons not known the Advocate did not comply with his duties for which the petitioner should not suffer. The application for leave to defend had also been perused. There is not a single averment

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even in the said application. The law postulates that when the eviction petition is filed under Section 14 (1)(e) of the DRCA, the summary procedure contained in Section 25-B of the said Act is attracted and the leave to defend has to be filed within 15 days from the date of service of summon which was admittedly not filed within the prescribed period having been filed on 20.08.2011. The averments made in the eviction petition have been admitted. The ratio of Prithpal Singh Vs. Satpal Singh (Dead) through its legal heirs (2010) 2 SCC 15 is applicable. Impugned order suffers from no infirmity.

Dismissed.



INDERMEET KAUR, J

NOVEMBER 28, 2011
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