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

+ **W.P.(C) 3797/2015**

MANGE RAM GUPTA Petitioner

Through: Mr. Ashok Kumar, Advocate

versus

THE STATE (GOVT. OF NCT) & ANR Respondents

Through: Ms. Sangeeta Sondhi, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **20.04.2015**

1. This is a writ petition filed under Article 226 and 227 of the Constitution. The prayer made in the writ petition is to the effect that respondent no.1 be directed to dispose of the application filed by respondent no.2 for leave to defend under Section 25 B of the Delhi Rent Control Act, 1958 (in short Delhi Rent Control Act), with expedition.

2. The averments made in the writ petition are broadly to the effect that the petitioner being a landlord has filed a petition under Section 14 (1)(e) of the Delhi Rent Control Act for seeking eviction of respondent no.2 from the said property. In those proceedings, an application for leave to defend was, apparently, filed by respondent no.2 on 24.10.2009. It is stated that adjudication of the said application is pending to date.

3. To be noted, the petitioner has not appended the entire proceedings. The order sheets from December 2010 till March 2015

are missing. The court, therefore, is unable to come to a view as to whether respondent no.2 was responsible for the delay in the conclusion of the proceedings.

4. The case in point is the order sheet dated 24.10.2009, appended at page 16 of the paper book, which shows that upon opportunity being given to file a reply to the application filed under Section 25 B of the Delhi Rent Control Act, the matter was fixed for argument on 09.02.2010.

5. It appears on a perusal of the order sheet dated 01.10.2010, that the reply, was not, filed by the petitioner to the said application till that date. On 01.10.2010, the matter was fixed for argument on 16.11.2010. On 16.11.2010, the learned counsel for the respondent sought time to file a rejoinder to the application and the said application was thereafter listed for argument on 15.12.2010.

6. As indicted above, order sheets thereafter have not been filed except the order sheet dated 07.03.2015. On a perusal of the proceedings of 07.03.2015, it appears that the matter is coming up on 25.04.2015.

7. In these circumstances, the writ petition is disposed of with a direction to the learned ARC to dispose of the pending application with expedition though not later than six weeks from today. A copy of this order will be despatched to respondent no.2 as well.

RAJIV SHAKDHER, J

APRIL 20, 2015/yg
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