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

+ RC.REV. 148/2016

DEVENDER SINGH Petitioner
Through Mr. Vinod Sharma and Mr.Hitesh
Bhardwaj, Advocates.

versus

MUNNA Respondent
Through Mr.Abinash K. Mishra, Advocate.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

% **ORDER**
10.08.2016

By the present petitioner, the petitioner seeks to impugn the order dated 31.08.2015 passed by the ARC. By the impugned order the ARC while adjudicating upon an application filed by the respondent seeking leave to defend, the trial court has dismissed the eviction petition of the petitioner. Learned counsel submits that if for some reason the ARC was of the view that a triable issue had been raised by the respondent in his leave to defend application, the only course of action open to the court was to allow the leave to defend application of the respondent and allow the respondent to file his written statement and proceed with the adjudication of the suit.

Learned counsel appearing for the respondent submits that without prejudice to his rights and contentions, he has no objection inasmuch as the trial court appears to have wrongly dismissed the main eviction petition

itself.

Accordingly, the present order dated 31.08.2015 is set aside. The matter is remanded back to the trial court for re-consideration of the application for leave to defend filed by the respondent.

List the matter before the concerned court on 14.09.2016.

The trial court is requested to re-consider the matter uninfluenced by any observations made in the order dated 31.08.2015.

With the above observations, the present petition stands disposed of.

JAYANT NATH, J

AUGUST 10, 2016

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