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

+ RC.REV. 206/2016

VED PARKASH KHANEJA

..... Petitioner

Through

Mr.Sunil Verma and Mr.Mohinder
Singh Saxena, Advs.

versus

NEETU SHARMA & ANR

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **21.07.2016**

1. The respondent is served. On 12.7.2016 and 19.7.2016 counsel for the respondent had appeared. But, today none has appeared for the respondent.
2. By the present petition the petitioner seeks to impugn the order dated 29.1.2016 passed by the Additional Rent Controller. The Eviction Petition is filed by the petitioner under Section 14(1)(e) read with Section 25B of the DRC Act stating that the petitioner is the owner and landlord of the suit premises. The details of the dependent family members of the petitioner are stated in the Eviction Petition. It is pointed out that since the petitioner's son Amit Khaneja wants to settle down in Delhi as the business prospects in Delhi are more and it is not possible daily to commute from Faridabad to Delhi. It is also averred that the petitioners comes to Delhi frequently for business purpose but neither the petitioner nor his son who is dependent on him have any suitable accommodation available.
3. Without adverting to the above averment in the Eviction Petition the impugned order merely notes that the respondents have denied the

relationship of landlord tenant. It also notes the averment of the respondent that the site plan filed is not correct and the suit is bad for mis-joinder of parties. It also notes the submission of the respondent that the petitioner is the owner of various properties at Faridabad. The petitioner is living in Faridabad for the last more than 50-60 years and that the son of the petitioner is doing business alongwith the petitioner. On the basis of these averments of the respondents, without going into the merits of the contentions of the petitioner or going into the documents filed by the parties, the impugned order has come to a conclusion that the respondents have raised triable issues. The impugned order ignores the contention of the petitioner that they wish to settle in Delhi and the alternative accommodation mentioned by the respondent all pertained to Faridabad. None of the contentions raised by the parties have been adjudicated upon. Only contentions of the respondent are noted.

4. In my opinion, the order suffers from material irregularities. The order dated 29.1.2016 passed by the Additional Rent Controller is quashed. The matter is remanded back to the Trial Court for fresh adjudication on the application for leave to defend filed by the respondent.

5. Petition stands disposed of.

6. The Rent Controller is requested to expeditiously dispose of the application for grant of leave preferably within two months from today.

JAYANT NATH, J.

JULY 21, 2016/n