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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 630/2015 & C.M. No.29166/2015**
RAJO DEVI

..... Petitioner
Through Mr. V.K.Khurana and Ms. Ishu Arora,
Adv.
versus

SUDHA SHARMA & ANR

..... Respondents
Through Mr. O.P. Verma, Adv. for R-1.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **24.02.2016**

Order impugned before this Court is the order dated 08.10.2015 vide which the eviction petition stood decreed in favour of the landlord/respondents as none had appeared on behalf of the petitioner/tenant in the Trial Court to advance arguments on the application seeking leave to defend. Admittedly the petitioner had filed the application within the stipulated period seeking leave to defend. Reply to the said application had also been filed. Rejoinder had also been filed. Pleadings stood completed.

Learned counsel for the petitioner submits that due a wrong noting of date in his case diary, he could not appear on the relevant date which was because of fault of his office for which his client should not be penalized. He has filed his case diary in support of his submission.

This Court is of the view that the petitioner should be granted hearing on merits. Accordingly, subject to payment of costs of

Rs.15,000/-, the impugned order is set aside. The Trial Court shall dispose of the application seeking leave to defend after considering the respective submissions of the parties. Learned counsel for the respondents submits that the rent has not been paid w.e.f. August, 2015. This submission shall also be considered by the Trial Court. Parties to appear before the Trial Court on 14.03.2016.

Petition disposed of.

Order dasti under the signatures of the Court Master.

INDERMEET KAUR, J

FEBRUARY 24, 2016

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