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

+ RC.REV. 53/2017 and CAV. 120/2017, CM Nos. 5041-44/2017

SOUTH DELHI MUNICIPAL CORPORATION..... Petitioner
Through Ms.Vandana Sehgal and Ms.Anisha
Mahajan, Advocates.

versus

SURJEET SINGH SAINI Respondent
Through Mr.Lalit Gupta, Advocate.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **08.02.2017**

1. By the present revision petition filed under Section 25(B) of the Delhi Rent Control Act, 1958 (hereinafter referred to as DRC Act), the petitioner seeks to impugn the eviction order dated 17.09.2015.
2. The respondent filed the eviction petition under Section 14(1)(e) of the DRC Act. The petitioner were served on 12.11.2014. No leave to defend application was filed by the petitioner. Instead, they moved an application requesting the respondent to supply documents. The ARC noted that the application merely states that some documents of the paper book are missing without mentioning as to which documents are missing. On 04.12.2015, learned counsel for the petitioner had prayed that pages 6 to 9 were missing. Finding that the averment does not inspire confidence, the ARC held that even one day's delay in filing the leave to defend application cannot be

condoned and hence, passed an eviction order.

3. Keeping in view the judgment of the Supreme Court in the case of ***Prithipal Singh vs. Satpal Singh, 2010 (2) SCC 15***, there is no merit in the present petition, relevant portion of the judgment reads as follows:-

“15. At this stage, we may also note that in Sub-section (4) of Section 25B of the Rent Act read with Third Schedule, it has been made clear by the Legislature that if the summons of the proceeding is received by the tenant, he has to appear and ask for leave to contest the eviction proceeding within 15 days from the date of service of notice upon the tenant and if he fails to do so, automatically, an order of eviction in favour of the landlord on the ground of bona fide requirement shall be made.”

4. In the light of the above, there is no merit in the present petition.

5. Learned counsel for the respondent submits that they have already executed the eviction order and received possession.

6. In view of the above, the present petition and all pending applications stand dismissed.

JAYANT NATH, J

FEBRUARY 08, 2017

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