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

+ RC.REV. 169/2017

PREMIER BOOK CO / SULTAN CHAND & SONS THR ITS
PARTNERS USHA AGGARWAL Petitioner

Through Ms.Surabhi Gupta, Advocate

versus

PRATAP CHAND VAISH Respondent

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **12.04.2017**

CM No.13706 /2017 (*exemption*)

Allowed subject to all just exceptions.

RC.REV.169/2017

1. By the present petition filed under section 25-B of the Delhi Rent Control Act, 1958 the petitioner seeks to impugn the eviction order dated 1.12.2016 passed by the Additional Rent Controller (ARC).
2. A perusal of the order would show that the petitioner was served with summons on 29.09.2016. However, no leave to defend application was filed. Hence, in terms of section 25-B of the DRC Act the ARC passed an eviction order.
3. I have heard learned counsel for the petitioner. She relies on an order dated 15.09.2016 passed in a Civil Suit where an order of status quo was passed. A perusal of the order would show that no background details have been given about the said order neither a copy of the plaint has been filed. Co-relation of the civil proceedings with the present Rent proceedings is not

sought to be explained. The only argument is that in the said civil proceedings the petitioner was also a party and the civil court has passed an order regarding status quo of possession.

4. In my opinion, merely because there is some civil dispute between the parties cannot be a ground to obstruct disposal of the eviction petition.

5. The Supreme Court in the case of ***Prithipal Singh v. Satpal Singh, (2010) 2 SCC 15*** held as follows:-

“13. Next comes the very important provision in Section 25B of the Rent Act, i.e., Sub-section (4) of the same. It clearly provides that a tenant on whom the summons is duly served in the form specified in the Third Schedule shall not contest the prayer for eviction from the premises unless he files an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Controller, as hereinafter provided, and in default of his appearance in pursuance of the summons or his obtaining such leave, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the applicant shall be entitled to an order for eviction on the ground aforesaid.

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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.”

6. In view of the above legal position there is no infirmity in the

impugned order. Present petition is without merits and is dismissed. All pending applications, if any, also stand disposed of accordingly

JAYANT NATH, J

APRIL 12, 2017

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