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

+ RC.REV. 154/2017

PINKI (KAMAL)	 Petitioner
Through	Mr.Inderpal Khokhar, Adv.
versus	
VIKAS AGGARWAL	 Respondent
Through	

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 29.03.2017

CM No.12424/2017 (exemption)

Allowed subject to all just exceptions.

RC.REV. 154/2017 & CM No.12423/2017

By the present petition the petitioner seeks to impugn the eviction order dated 28.11.2016. The respondent has filed an eviction petition under section 14(1)(e) of the DRC Act. Admittedly, as submitted by learned counsel for the petitioner the petitioner was duly served. However, it is stated that on account of the neglect of the counsel engaged, the application for leave to defend was not filed within the stipulated period of 15 days in accordance with section 25-B of the DRC Act.

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.”

In view of the above legal position, the ARC has rightly passed the eviction order. There is no merit in the present petition. Petition is dismissed. All pending applications, if any, also stand disposed of.

JAYANT NATH, J

MARCH 29, 2017

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