

\$~19

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

+ RC.REV. 241/2016 & CM Nos.16403-404/2016

RAJ RANI & ORS

..... Petitioners

Through

Mr.Manu Sisodia & Mr.Mahendra
Bairwa, Advocates

versus

GULNAR BEGUM

..... Respondent

Through

Mr.S.H.Niazmi & Mr.S.S.Nizami,
Advocates

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

14.02.2017

1. The present revision petition is filed under Section 25(8) of the Delhi Rent Control Act, 1958 (*hereinafter referred to as the 'DRC Act'*) seeking to impugn the order dated 09.02.2016 by which an eviction order has been passed against the petitioners under Section 14(1)(e) of the DRC Act.
2. The respondent has filed the present eviction petition under Section 14(1)(e) of the DRC Act. The application filed by the petitioners for leave to defend was dismissed. The petitioners, thereafter filed a revision petition before this court. On 09.04.2015, this court by consent of the parties remanded the matter back to the ARC for adjudication after leading of evidence. This court also directed that the petitioners shall file written statement within four weeks. The petitioner instead of filing written statement within four weeks, i.e. on or before 09.05.2015, has filed written statement on 13.08.2015.
3. The ARC by the impugned order rejected the defence of the

petitioners and also dismissed the application under Section 5 of the Limitation Act for condonation of delay in filing of the written statement and passed the necessary eviction order.

4. The learned counsel appearing for the petitioners submits that the written statement was filed on 13.08.2015. He also relies upon the application for condonation of delay wherein an averment has been made by the learned counsel for the petitioners that the file of the counsel had been misplaced and hence there was a delay in filing the written statement.

5. Keeping in view the averment made by the learned counsel for the petitioners in the application under Section 5 of the Limitation Act, which was supported by an affidavit of the counsel, in my opinion, there was sufficient ground to condone the delay in filing the written statement. The delay was of little more than three months in filing the written statement and the respondent could have been compensated by way of cost. Accordingly, in view of the said miscarriage of justice caused to the petitioners by which his written statement was not taken on record, subject to payment of cost of Rs.15,000/-, I quash the impugned order. The written statement filed by the petitioners may be taken on record. The cost shall be paid by the petitioners to the respondent within two weeks.

6. The ARC is requested to deal with the eviction petition expeditiously uninfluenced by any observations made by this court in this order. The ARC may also remember that as per the order of this court dated 09.04.2015 passed in RC.REV Nos.466/2011 and 468/2011, the ARC was requested to expedite the disposal of the eviction petition and to conclude the trial preferably within one year.

7. Keeping in view the peculiar facts and circumstances of the case, the

ARC is requested to dispose of the case within the said period of one year. Except in emergent circumstances, neither of the parties shall be granted any adjournment in the matter.

With the above directions, the present petition and all the pending applications stand disposed of.

JAYANT NATH, J.

FEBRUARY 14, 2017/v