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

+ RC.REV. 262/2016

MANISH SONI

..... Petitioner

Through: Mr.Mukul Gupta, Sr.Advocate with
Mr.Varun Goswami, Mr.Rajesh Singh
& Ms.Ankita Bansal, Advocates

versus

VED PRAKASH MITTAL & ANR

..... Respondents

Through: Ms.Shalini Kapoor, Mr.Dikshant
Khanna & Ms.Ruhini Dey, Advocates

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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19.05.2017

RC.REV. 262/2016

1. By filing the present petition, the petitioner is challenging the order dated 6th February, 2016 passed by the learned Rent Controller in Eviction Petition bearing No.151/13 whereby the application for grant of leave to defend moved by the respondents herein was allowed.

2. Mr.Mukul Gupta, learned Senior Advocate for the petitioner submits that vide impugned order dated 6th February, 2016, running into six pages, the reasons for granting leave to defend have been given only in the concluding paragraph (para 18). The reasons given do not even deal with the rival contentions of the parties. Learned Senior Advocate for the petitioner further submits that grievance of the petitioner can be redressed if

the impugned order is set aside and the matter is remanded with direction to the learned Rent Controller to dispose of the application seeking leave to defend by passing a reasoned order.

3. Ms. Shalini Kapoor, learned counsel for the respondents, on instructions, submits that respondents have no objection if the matter is remanded to the learned Rent Controller to pass a reasoned order after giving an opportunity to the parties to argue on the application seeking leave to defend.

4. In view of the joint request made by learned counsel for the parties and noting that the rival contentions have not been dealt with by the learned Rent Controller while granting leave to defend to the respondents/tenants, the impugned order dated 6th February, 2016 is set aside.

5. It is informed that matter is coming up for hearing before the learned Trial Court on 28th July, 2017.

6. Parties are directed to appear before the concerned Court on 28th July, 2017.

7. The learned Rent Controller, after giving an opportunity to the parties to make submissions on the application seeking leave to defend, shall pass a reasoned order.

8. The petition is allowed in above terms.

9. A copy of this order be sent to the concerned Court and be also given *dasti* to learned counsel for the parties.

CM No.18316/2016

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 19, 2017/‘pg’