

\$~28

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

+ CM(M) 420/2017

MANJEET KAUR

..... Petitioner

Through: Dr. R.S. Sasan, Adv.

Versus

DAVINDER SINGH

..... Respondent

Through: Mr. R.K. Sharma, Adv. with
respondent-in-person.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

01.11.2017

%

1. No time left.

2. The counsel for the petitioner has mentioned the matter and states that the respondent as identified by him is also present in person.

3. The person so identified as respondent, on enquiry, has handed over to the Court proof of his identity and photocopy of which is placed on record.

4. The counsel for the petitioner states that the limited relief claimed in this petition under Article 227 of the Constitution of India is a direction to the Court of Additional Rent Controller (ARC)-01 (Central), Tis Hazari Courts, Delhi to dispose of expeditiously, the application of the respondent for leave to defend the petition for eviction under Section 14(1)(e) of the Delhi Rent Control Act, 1958 filed by the petitioner. It is stated that the petition for eviction had come up first before the ARC on 25th November, 2013 and though the next order dated 18th February, 2014 records that leave to defend application had been filed but the leave to defend application has not been disposed of till now.

5. The petitioner at pages 79 to 98 of the paper book has placed before this Court the order sheet in the eviction petition till 27th February, 2017. The same indeed shows the undue delay of four years in disposal of the application for leave to defend.
6. On enquiry, it is informed that the matter is now posted next before the Court of Dr. Jagminder Singh, ARC (Central), Tis Hazari Courts, Delhi on 19th December, 2017.
7. The petition is allowed.
8. The parties are directed to appear before the Court aforesaid on 10th November, 2017.
9. The learned ARC before whom the proceedings are now pending is requested to prepone the date of hearing from 19th December, 2017 and to, after hearing the counsels, on or before 8th December, 2017 pass orders on the application for leave to defend.
10. At this stage, the counsel for the respondent appears and states that an application for amendment of the application for leave to defend was filed on the last date of hearing and is also pending consideration.
11. The petitioner may file reply to the said application on or before 10th November, 2017; otherwise, the application for amendment of the application for leave to defend and the leave to defend application be decided, as aforesaid, by 8th December, 2017.
12. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

NOVEMBER 01, 2017

bs ..