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

+ RC.REV. 342/2016

RAJWATI

..... Petitioner

Through: Mr. Pankaj Kumar, Adv.

Versus

YOGESH KUMAR SHARMA & ANR

..... Respondents

Through: Mr. Rajesh Kumar Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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14.09.2017

1. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 26th April, 2016 in RC/ARC No.7464/15 of the Court of Additional Rent Controller (ARC) (North-East), Karkardooma Courts, Delhi] granting leave to the respondents to defend the petition for eviction under Section 14(1)(e) of the Act filed by the petitioner.
2. The petition was entertained and notice thereof issued, though stay of proceedings before the Trial Court sought. However, on the last date i.e. 3rd May, 2017, the Trial Court record was ordered to be requisitioned and has been received.
3. The counsels have been heard.
4. On going through the petition for eviction, application for leave to defend and the reply thereto, it cannot be said that the order granting leave to

defend is not in accordance with law. Thus, the question of interference in exercise of jurisdiction under Section 25B(8) of the Act does not arise.

5. I refrain from making any further observations, since a perusal of the Trial Court record shows that the trial in the petition for eviction has proceeded and the evidence of the petitioner has already been recorded and the matter was listed on 5th July, 2017 for evidence of the respondents and which date has been wasted owing to the file having been requisitioned in this Court. The counsels inform that the next date of hearing before the ARC is 25th September, 2017.

6. The counsel for the respondents, on enquiry, states that the two respondents have to examine one of themselves in their evidence and only one other witness i.e. the person who has made a video recording of the premises.

7. It is felt that if this Court were to give any detailed reasons at this stage, it may in either way prejudice the outcome of the petition for eviction.

8. Thus, binding the respondents/landlords to their aforesaid statement, the petition is dismissed.

9. The Trial Court record requisitioned in this Court be sent back immediately.

No costs.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 14, 2017

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