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

+ RC.REV. No.335/2016

NISAR AHMED

..... Petitioner

Through: Mr. S.H. Nizami and Mr. S.S.
Nizami, Advs.

versus

AGYAPAL SINGH

..... Respondent

Through: Mr. Ravi Gupta, Sr. Adv. with Mr.
P.K. Rawal, Mr. Tarun Aggarwal, Mr.
Sachin Jain and Ms. Malika Bhatia,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.08.2017

1. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order (dated 28th March, 2016 in RE-23/15 of the Court of Additional Rent Controller (Central), Tis Hazari Courts, Delhi) granting leave to the respondent / tenant to defend the petition for eviction filed by the petitioner / landlord under Section 14(1)(e) of the Act.
2. The counsel for the respondent / tenant appeared on caveat and the petition was entertained, though Trial Court record not requisitioned and it is informed that the petitioner / landlord has already filed his affidavit by way of examination-in-chief and the petition for eviction is listed now for evidence of the petitioner / landlord.
3. I have perused the records of the Trial Court, copies of which have been filed by the petitioner / landlord and heard the counsels.

4. I find that the learned Additional Rent Controller has given cogent reasons for grant of leave to defend and the said reasons are not *de hors* the pleadings in the application for leave to defend and the reply thereto.
5. Once that is so, no ground for interference in exercise of powers under Section 25B(8) of the Act with the discretion exercised in accordance with the principles of law by the learned Additional Rent Controller is made out.
6. I refrain from giving detailed reasons so as to not prejudice the final outcome of the petition.
7. Dismissed.
8. No costs.
9. The counsel for the petitioner / landlord states that the petition for eviction was filed as far back as in the year 2009.
10. The learned Additional Rent Controller is requested to consider giving priority to the petition for eviction considering its age.

RAJIV SAHAI ENDLAW, J

AUGUST 17, 2017

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