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

+ C.R.P. No.149/2017

NARENDER YADAV (THR HIS LRS) Petitioner
Through: Mr. Arun Sharma and Mr. Sidharth
Sejwal, Advs.

Versus

RAJENDER KUMAR SHARMA & ANR Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.07.2017**

1. This petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugns the order dated 15th February, 2017 of the Additional Rent Controller of deferring the passing of the order under Section 15(1) of the Delhi Rent Control Act, 1958.
2. Attention of the counsel for the petitioner has been drawn to Section 38 of the said Act which provides for an appeal from every order of the Controller to the Rent Control Tribunal and it has been enquired from the counsel for the petitioner as to why the said provision is not applicable.
3. Even otherwise the question of invoking Section 115 of the CPC does not arise.
4. The counsel for the petitioner seeks to withdraw the petition with liberty to avail of appropriate remedy.
5. Dismissed as withdrawn.
6. Liberty to prefer appropriate remedy is granted subject to deposit of costs of Rs.5,000/- with the Delhi High Court Bar Association

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Lawyers' Social Security and Welfare Fund, New Delhi. The petitioner, before preferring the alternative remedy, shall show to the Court concerned the proof of deposit of such costs.

RAJIV SAHAI ENDLAW, J

JULY 11, 2017
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