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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 334/2017, CM No.25734/2017 (for stay) & CM
No.25736/2017 (for condonation of 15 days delay in re-filing the
petition)

NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Ms. Mini Pushkarana, Adv.

Versus

VIJENDER KUMAR VERMA & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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24.07.2017

CM No.25735/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

RC.REV. 334/2017

3. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order (dated 29th March, 2017 in Eviction Petition No.946/14/13 of the Court of Additional Rent Controller (ARC), Central District, Tis Hazari Courts, Delhi) of dismissal of an application filed by the petitioner under Order XXXVII Rule 4 of the CPC for setting aside of the order dated 30th July, 2013 of eviction of the petitioner in a petition filed by the respondents under Section 14(1)(e) of the Act, owing to the failure of the petitioner to file the application for leave to defend.

4. It is unfortunate that inspite of the Supreme Court as far back as in the year 2010 in *Prithipal Singh Vs. Satpal Singh* (2010) 2 SCC 15 holding the provisions of Order XXXVII Rule 4 to be not applicable to proceedings under the Rent Control Act or to have the order of eviction under Section 14(1)(e) of the Act set aside, the petitioner continued to pursue the said application instead of impugning the order of eviction by a petition under Section 25B(8) of the Act. Instead, reliance is placed on *Prithipal singh Vs. Satpal Singh* (2006) 133 DLT 686 which was set aside as aforesaid by the Supreme Court.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

JULY 24, 2017

‘gsr’..