

\$~27.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) No.872/2017, CM No.29061/2017 (for stay), CM No.29062/2017 (for exemption), CM No.29063/2017 (for summoning Trial Court Record) and CM No.29064/2017 (for condonation of 68 days delay in re-filing).

VRAJ LAL MANILAL & CO. & ORS Petitioners
Through: Mr. Arunav Tewari, Adv.
versus

YASHWANT RAI KAKKAD & ANR Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

18.08.2017

1. This petition under Article 227 of the Constitution of India impugns the order (dated 18th January, 2017 in E. No.86/2016 (New No.79999/16) of the Court of Rent Controller (Central), Tis Hazari Courts, Delhi) of dismissal of the application filed by the petitioners for leave to defend the petition for eviction under Section 14(1)(e) of the Delhi Rent Control Act, 1958 filed by the respondent and the consequent order of eviction of the petitioners from one room and tin shed (*veranda*) on third floor of property no.4637-41, Mahavir Bazar, Cloth Market, Fatehpuri, Delhi – 110 006.
2. Adjournment is sought on the ground of non-availability of the counsel for the petitioners.
3. I have enquired from the counsel for the petitioners as to how this petition under Article 227 of the Constitution of India is maintainable.
4. The counsel has 'no idea' and does not appear to appreciate the question also.

5. Section 25B(8) of the Delhi Rent Control Act, 1958 provides the remedy against the order impugned.
6. Though the option of giving opportunity to the petitioners of converting this petition or treating this petition into one under Section 25B(8) of the Delhi Rent Control Act has been considered but it is found that if the said indulgence is shown, the Advocates would continue to violate the law and not apply the correct law.
7. It is therefore deemed appropriate to reject this petition with liberty to the petitioners to avail of the appropriate remedy.
8. The petition is rejected with liberty aforesaid.
No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 18, 2017
'pp' ..

CM(M) No.872/2017

page 2 of 2