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

+ **RC.REV. 306/2017**

HARJIT SINGH SHAH Petitioner

Through: Mr. Devraj Singh, Adv.

Versus

VINAY KUMAR VERMA & ORS Respondents

Through: Mr. S.C. Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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24.08.2017

1. This order is in continuation of the earlier order dated 11th July, 2017.
2. The counsel for the respondents no.1&2 appears.
3. However both counsels inform that respondent no.2 Devinder Singh has expired on 9th August, 2017 i.e. after giving a vakalatnama in favour of the counsel for appearance in this proceeding.
4. On enquiry, it is stated that the legal heirs of the respondent no.2 have applied for substitution before the Additional Rent Controller (ARC) and the counsel who was earlier appearing for the respondent no.2 is appearing for the said legal heirs as well.
5. On oral request of the counsels, the said legal heirs who have applied for substitution before the ARC are substituted in place of the respondent no.2 in this proceeding also and the counsel for the respondents appears on their behalf as well.
6. The counsel for the respondents has no objection to the petition being disposed of as proposed in the order dated 11th July, 2017 save, for the clarification qua para 10 of the order dated 11th July, 2017. It is stated that it

is not necessary that an opportunity to lead evidence would be given in a proceeding under Section 25 of the Delhi Rent Control Act, 1958. Clarification is thus sought that it will be up to the Court of the ARC before whom the objections, if any, under Section 25 of the Act are filed by the petitioner, whether to allow evidence to be lead therein or not.

7. The counsel for the petitioner cannot possibly have any objections since it is a matter of law. If the counsel for the petitioner, at that stage, is able to satisfy the ARC that the petitioner, under Section 25 of the Act, has a right to lead evidence, the petitioner would be entitled thereto.

8. Accordingly, this petition is disposed of in terms of the order dated 11th July, 2017 but by clarifying that the said order will not be read as holding that the petitioner in the Section 25 proceeding, as a matter of right, will be able to lead evidence and it will be a question to be adjudicated in the said proceedings under Section 25 of the Act.

No costs.

RAJIV SAHAI ENDLAW, J.

AUGUST 24, 2017
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