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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 535/2016, CAV.974/2016 & CM Nos.42435-36/2016
SABIR @ SAVIR Petitioner
Through Mr.Yogesh Sharma &
Mr.R.K.Verma, Advocates

versus

MOHINDER SINGH Respondent
Through Mr.Gurmeet Singh Hans, Ms.Richa
Verma & Ms.Aarti Manchanda,
Advocates

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **13.02.2017**

CAV.No.974/2016

Since the learned counsel for the respondent has entered appearance,
the caveat stands discharged.

CM No.42436/2016 (exemption)

Allowed subject to all just exceptions.

RC.REV. No. 535/2016 & CM No.42435/2016

1. The present revision petition is filed under Section 25(8) of the Delhi Rent Control Act, 1958 (*hereinafter referred to as the 'DRC Act'*) seeking to impugn the order dated 15.10.2016 passed by the ARC whereby on account of the fact that the petitioner had taken taken several adjournments to argue his application for leave to defend, the ARC held that the the respondent is disentitled from prosecuting the application for leave to defend and dismissed the same for non-prosecution and an eviction order thereafter was

passed.

2. The learned counsel appearing for the petitioner has submitted that the basic reasons for seeking adjournments to argue the application for leave to defend was on account of personal grounds of the learned counsel for the petitioner i.e. his wife has been suffering from cancer. It is on this ground, several adjournments were taken. The medical treatment papers of the counsel's wife with Rajiv Gandhi Cancer Institute & Research Centre, New Delhi has been placed on record.

3. A perusal of the order-sheet would show that first time the petitioner took adjournment on 20.08.2016. Thereafter, the ARC on 09.09.2016 noting about the personal difficulty of the petitioner's counsel granted final opportunity to the petitioner. As on the next date of hearing, i.e. on 15.10.2016 the petitioner again sought an adjournment. The application for leave to defend was dismissed in default.

4. Keeping in view the personal difficulty expressed by the counsel for the petitioner and also keeping in view the adjournments sought for over a period of 9 months, in my opinion, in the interest of justice, it would be appropriate that one last opportunity is granted to the petitioner to argue his application for leave to defend.

5. Accordingly, I set aside the impugned order, subject to payment of cost of Rs.15,000/-. The matter is remanded back to the ARC. The ARC may give one last opportunity to the petitioner to argue the application for leave to defend. The petitioner shall not be entitled to seek any adjournment on the date so fixed by the trial court.

6. Both the parties are directed to appear before the ARC on 07.03.2017 at 2:00 p.m.

7. The present revision petition and all the pending applications are disposed of as above.

JAYANT NATH, J.

FEBRUARY 13, 2017/v