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

+ CM(M) 742/2017

MOHD KHALID

..... Petitioner

Through: Mohd. Sajid & Mr. S.M. Jamal, Advs.

Versus

SIKANDER BEGUM

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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21.07.2017

CM No.25493/2017 (for exemption)

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

CM(M) 742/2017 & CM No.25492/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order (dated 5th June, 2017 in Eviction Petition No.78127/2016 (Old No.E-58/2016) of the Court of Additional Rent Controller (ARC)-02, Central, Tis Hazari Courts, Delhi) of dismissal of the application filed by the petitioner / landlady for placing additional documents on record.
4. The learned ARC has observed that the respondent / tenant has already filed application for leave to defend the petition for eviction under Section 14(1)(e) of the Delhi Rent Control Act, 1958 filed by the petitioner / landlady and which was ripe for arguments.
5. The learned ARC has thus *inter alia* reasoned that at that stage the documents could not be permitted to be taken on record.

6. I have enquired from the counsel for the petitioner as to what purpose the said documents would serve for the consideration of the application of the respondent for leave to defend inasmuch as the respondent has not had an opportunity to deal with the said documents in the application for leave to defend. If at all the leave to defend is granted to the respondent on the pleadings and documents as existing, in that case, the petitioner would be entitled to have the same documents placed on record before the respondent files written statement to the petition for eviction.

7. No ground for interfering with the order, refusing the documents which as per the procedure prescribed under Section 25B of the Act cannot be considered for consideration of the application for leave to defend, is made out.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

JULY 21, 2017

‘gsr’..