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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 369/2017**
GURUDWARA SHRI GURU SINGH SABHA Petitioner

Through: Mr. Vivek Sharma, Adv.

Versus

OM PRAKASH Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **16.08.2017**

CM No.29072/2017 (for exemption)

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

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3. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 14th March, 2017 in E.No.5560/2016 of the Court of ACJ-cum-ARC (North West), Rohini Courts, Delhi] of granting leave to the respondent / tenant to defend the petition for eviction under Section 14(1)(e) of the Act filed by the petitioner.
4. I am in R.C. Rev. No.206/2017 titled Frontier Sales Vs. Superior Exim Pvt. Ltd. and R.C. Rev. No.318/2017 titled Shanti Devi Vs. Digamber Jain Panchayat Samaj (Regd.) hearing arguments on the issue, whether a landlord to whom ground under Section 22 of the Act, is available can invoke Section 14(1)(e) of the Act particularly since the summary procedure prescribed in Section 25B of the Act does not apply to petitions for eviction under Section 22 of the Act.

5. It appears that the ground under Section 22 of the Act would also be available to the petitioner.
6. In this view of the matter, it is deemed appropriate that the petitioner goes through the trial pursuant to grant of leave to defend rather than await the outcome of hearing underway and which may have to be referred to the Division Bench in view of the dicta in *Canara Bank Vs. T.T. Ltd.* 2014 (214) DLT 526.
7. With the aforesaid observations, the petition is dismissed but with a request to the learned Additional Rent Controller before whom the petition for eviction is pending to ensure that the petition for eviction is dealt with expeditiously and the respondent / tenant does not take undue adjournments.

RAJIV SAHAI ENDLAW, J.

AUGUST 16, 2017

‘gsr’..