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

+ C.R.P. No.211/2017

URMILA & ANR

..... Petitioners

Through: Mr. Anilendra Kant Srivastava, Adv.

versus

RAM AVTAR & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

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25.09.2017

CM No.35136/2017 and CM No.35137/2017 (both for exemption).

1. Allowed, subject to just exceptions.

2. The applications stand disposed of.

C.R.P. No.211/2017, CM No.35135/2017 (for condonation of 772 days delay in filing) and CM No.35138/2017 (for condonation of 686 delay in re-filing).

3. This Revision Petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugns the order (dated 3rd December, 2013 in RCT No.04/2012, Unique ID No.02402C0035062012 of the Court of Rent Control Tribunal (North-East) District, Karkardooma Courts, Delhi) a) of dismissal of appeal preferred by the petitioners against the order dated 5th July, 2000 of the Additional Rent Controller of dismissal of the application under Order IX Rule 13 of the CPC of the petitioners for setting aside of the *ex parte* order dated 5th March, 1999 of eviction obtained by the respondents under Section 14(1)(a) of the Delhi Rent Control Act, 1958; as well as, b) of dismissal of objections preferred by the petitioners in execution of the said order of eviction.

4. The impugned order of the Rent Control Tribunal records that the petitioners pressed the appeal only against the order of dismissal of objections and not against the order of dismissal of application for setting aside of the *ex parte* order of eviction.
5. This petition is accompanied with an application for condonation of 686 days delay in re-filing the petition. It is stated that the petitioners were earlier pursuing CM(M) No.52/2014 which was dismissed and against which order successively two applications for review were filed.
6. However the petitioners have not placed those orders in CM(M) No.52/2014 before this Court.
7. The counsel for the petitioners states that the petitioners have invoked wrong remedy in filing this petition and seeks to withdraw this petition with liberty to file appropriate proceedings.
8. Dismissed as withdrawn with liberty, on the condition that the petitioners along with the fresh proceedings if any filed files copy of this order, aforesaid.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 25, 2017

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