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

+ CM(M) No.986/2017 & CM No.32995/2017 (for stay).

PREM LAL

..... Petitioner

Through: Mr. Javed Ahmed with Mr. Anis
Ahmad, Advs.

versus

DHRAM BIR JAIN

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.09.2017**

CM No.32996/2017 (for exemption).

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

CM(M) No.986/2017 & CM No.32995/2017 (for stay).

3. This petition under Article 227 of the Constitution of India impugns the order (dated 24th August, 2017 in E-481/17/15 (New No.352/17) of the Court of Additional Rent Controller-2 (Central), Tis Hazari Courts, Delhi) refusing to condone the delay on the part of the petitioner in filing the written statement.

4. The argument of the counsel for the petitioner also is that there was sufficient reason for condonation of delay of five days.

5. The matter is not that simple as it is made out to be. The petitioner had earlier preferred R.C. Rev. No.392/2016 against the order of his eviction and vide order dated 28th March, 2017 wherein, while setting aside the order of eviction and relegating the parties to the Additional Rent Controller for adjudication of the petition for eviction on merits, time for filing of written

statement by the petitioner was stipulated.

6. The learned Additional Rent Controller has by the impugned order refused to condone the delay for the reason of the time having been fixed by this Court.

7. No error can be found with the order of the learned Additional Rent Controller inasmuch as the learned Additional Rent Controller was bound by the order dated 28th March, 2017 in R.C.Rev.392/2016 of this Court. The petitioner, instead of seeking variation of the order dated 28th March, 2017, has filed this petition.

8. This Court in this petition cannot alter the order in an earlier petition.

9. If the petitioner were to file an application in the earlier R.C.Rev.No.392/2016, the petitioner would be required to furnish advance copy thereof to the respondent.

10. This petition is misconceived and is dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 11, 2017

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