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

CM(M) 1173/2017

RADHEY SHAYAM CHOUHAN Petitioner

Through: Mr. Samrat Nigam, Mr. Arvind K.
Goyal, Mr. Abhimanyu Walia and
Ms. Ayshwarya Chandar, Advs.

Versus

RADHA SHARMA & ORS Respondents

Through: None.

AND

+ CM(M) 1178/2017

RADHEY SHAYAM CHOUHAN Petitioner

Through: Mr. Samrat Nigam, Mr. Arvind K.
Goyal, Mr. Abhimanyu Walia and
Ms. Ayshwarya Chandar, Advs.

Versus

GEETA DEVI & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.10.2017**

**CMs No.38083/2017 & 38084/2017 in CM(M) 1173/2017 & CMs
No.38133/2017 & 38134/2017 in CM(M) 1178/2017 (all for exemption)**

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

**CM(M) 1173/2017 & CM No.38082/2017 (for stay) & CM(M) 1178/2017
& CM No.38132/2017 (for stay)**

CM(M) 1173/2017 & CM(M) 1178/2017

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3. These petitions, both under Article 227 of the Constitution of India, impugn identical but separate orders, both dated 23rd September, 2017 and both of Pilot Court/Additional Rent Controller (ARC) (Central), Tis Hazari Courts, Delhi in E No.661/2017 (New No.80170/2016) and E No.511/2017 (New No.594/2017), refusing to take on record documents filed by the petitioner along with rejoinder to the reply filed by the respondents in each of the petitions to the application of the petitioner for leave to defend each of the two petitions for eviction.

4. The learned ARC has reasoned that as per the dicta of the Supreme Court in *Prithipal Singh Vs. Satpal Singh* (2010) 2 SCC 15, no additional pleas/documents can be taken/filed beyond the time of 15 days prescribed in Section 25B of the Delhi Rent Control Act, 1958 for filing of application for leave to defend.

5. The learned ARC, on 23rd September, 2017 itself, as reflected from the impugned orders, also heard part arguments on the application for leave to defend and posted the eviction petitions for remaining arguments on the applications for leave to defend on 26th October, 2017.

6. It is not deemed appropriate to, even if there were to be any merit in these petitions, interfere with the proceedings before the ARC at this stage.

7. The counsel for the petitioner contends that the documents filed with the rejoinder are in fact in support of the pleas already taken in the application for leave to defend.

8. Leaving it open to the petitioner to, in the arguments before the ARC urge so and further leaving it open to the petitioner to, if remains aggrieved

from the orders on the application for leave to defend and prefers any remedy thereagainst, take the same pleas as taken in these petitions, the petitions are disposed of.

No costs.

RAJIV SAHAI ENDLAW, J.

OCTOBER 25, 2017

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