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

+ RC.REV. 516/2017

ANOOP KUMAR AGGARWAL Petitioner

Through: Mr.S.D. Ansari, Mr. I. Ahmed,
Advocates

Versus

BRAHM PARKASH (NOW DECEASED)

THR LRS & ORS

..... Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **14.11.2017**

CM No.40967/2017 (for exemption)

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

RC.REV. 516/2017 & CM No.40966/2017 (for stay)

3. This Rent Control Revision Petition under Section 25-B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 08.12.2016 in E. No.9/2013 of the Court of Additional Rent Controller-1 (Central), Tis Hazari Courts, Delhi] of dismissal of the application of the petitioner for review of the order dated 28th October, 2014 in E. No.09/2013 of the Court of ARC (Central), Tis Hazari Courts, Delhi granting leave to the respondent to defend the petition for eviction under Section 14(1)(e) of the Act filed by the petitioner as far back as on 11th January, 2013.

4. The petitioner preferred an appeal to the Rent Control Tribunal against the dismissal of the review application and which appeal was entertained and the file of the Additional Rent Controller requisitioned. This resulted in the Additional Rent Controller still being not able to proceed with the petition for eviction. The appeal was finally dismissed on 26th July, 2017.

5. The petitioner then preferred CM (Main) No.1118/2017 against the order of the Rent Control Tribunal and which petition came up before this Court on 10th October, 2017 when it was dismissed as not maintainable and with liberty to the petitioner to challenge the order granting leave to defend.

6. Hence, this petition. However, the petitioner still, instead of challenging the order granting leave to defend, has challenged the order of dismissal of the application for review of that order. I have already in order dated 10th October, 2017 in CM (Main) No.1118/2017 (supra) held that no remedy lies against an order of dismissal of an application for review/recall of an earlier order.

7. However, since the case has had a chequered history and owing whereto, notwithstanding five years having elapsed since institution of the petition for eviction on the ground of self requirement and which has an element of urgency in the same and which petition, even after trial should be decided within three years and because the order granting leave to defend is over three years old, it is not deemed appropriate to go into the merits of this petition and to dispose of this petition with a direction for time bound disposal of the petition for eviction.

8. The counsel for the petitioner states that the recording of evidence has not begun as yet and the petition for eviction is listed next for the said purpose on 17th January, 2018.

9. On the assurance of the counsel for the petitioner that the petitioner will not take any dates and will be diligent in pursuing the petition for eviction, this petition is disposed of with a direction to the learned Additional Rent Controller before whom the petition for eviction is now pending, to dispose of the petition for eviction finally on or before 31st December, 2018.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 14, 2017
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