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

+ **RC.REV. 555/2017**

BINA RANI & ANR

..... Petitioners

Through: Mr. Ravinder Tyagi, Ms. Kanishka
Tyagi, Ms. Kartika Tyagi & Ms.
Divya Singhal, Advs.

versus

PRADEEP KUMAR ARORA & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.12.2017

On the eviction petition of the petitioners invoking Section 14 (1)(e) of the Delhi Rent Control Act, 1958, the rent controller had earlier recorded satisfaction of due service of special summons under Section 25-B of Delhi Rent Control Act, 1958 and since there was no application moved for leave to defend, eviction order was passed against the respondents. On application of the second respondent under Section 25-B (4) (5) read with Section 9 of the Delhi Rent Control Act and Order IX Rule 13 of the Civil Procedure Code, 1908, by the impugned order dated 25.09.2017, the rent controller perused the record and has found that the said applicant (second respondent) had not been served properly. It is on that basis that the eviction order

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has been set aside and the matter taken back to the stage of consideration of application of second respondent for leave to defend which was submitted alongside the application which was decided by the impugned order.

Having heard the learned counsel for the petitioner and having gone through the record, this Court finds no error or illegality in the impugned order of the Rent Controller. The special summons was reported to have been refused upon tender by a person named Yashpal who was a distant relative and not an agent of the respondents.

In these circumstances, the petition is dismissed in *limine*.

R.K.GAUBA, J

DECEMBER 05, 2017/umang