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

+ CM(M) 217/2018

ASIAN MARBLE & PAINT HOUSE AND ANR Petitioners

Through: Mr. Ravinder Sethi, Senior Advocate with
Mr. Puneet Sharma, Advocate

versus

RAMESH PERSHAD SETH (SINCE DECEASED) THR LRS

..... Respondent

Through: Mr. Pradeep Dewan, Senior Advocate with
Mr. Anupam Dhingra, Advocate along with
R-11 in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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26.02.2018

Caveat No.155/2018

Since the caveator is represented through counsel, caveat stands discharged.

CM(M) 217/2018 and CM APPL.7282-7284/2018

After some hearing, it has been agreed by the learned senior counsel on both sides and accordingly with their consent, it is directed that the application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (CPC) dated 25.02.2016 for amendment of the written statement which was dismissed by the Additional Rent Controller (ARC) by order dated

11.05.2016, which order was affirmed by the first appellate Court (rent control tribunal) by judgment dated 03.01.2018, and the reply to the said application for amendment submitted by the respondent shall be treated as additional pleadings of the respective parties without there being need for any formal amendment to the original eviction petition or the written statement filed there against.

The learned senior counsel for the petitioner fairly concedes that the five sale deeds which were referred to in the amendment application were brought on record and duly exhibited (Ex.R1 to R5) and, therefore, there is no need for any witness or official to be called in to prove the same once again.

It has been agreed by the counsel on both sides that the original eviction petitioner (Ram Pershad Seth) having passed away, his son Amit Seth would appear as additional witness for the respondent/landlord to affirm the said sale deeds and explain the circumstances attendant thereupon by a short affidavit and shall be tendered for cross-examination by the petitioner/tenant, the counsel representing that party assuring that they would need not more than one hour to complete the said exercise with undertaking that they would conclude the cross-examination on the same date on which the witness is tendered and shall not take any adjournment for any reasons whatsoever. Ordered accordingly.

In spite of the directions earlier given, the case before the rent controller has not reached the logical end till date. In these circumstances, the additional rent controller is requested to expedite the proceedings and decide the case at an early date.

The parties shall appear before the ARC on 9th March, 2018, as is already fixed, when a date suitable to the calendar of the ARC shall be fixed for deposition of Amit Seth to be recorded.

The petition and the applications filed therewith stand disposed of in above terms.

R.K.GAUBA, J.

FEBRUARY 26, 2018

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