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

+ CM(M) 274/2015 & CM No.5656/2015

SANJAY KUMAR MALHOTRA Petitioner

Through: Mr. S.C. Singhal, Advocate.

versus

ANIL KUMAR JAIN

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **15.01.2018**

The petitioner is one of the parties impleaded as respondents in the eviction case instituted by the respondent on the ground of *bona fide* need under Section 14(1)(e) of Delhi Rent Control Act, 1958. It appears the other party impleaded as respondent i.e. Rajesh Kumar Malhotra has died on 16.11.2013, at a stage when separate applications for leave to contest submitted by both the said parties including the petitioner, were still pending. The petitioner is aggrieved with the order dated 17.11.2014 on the application under Order XXII Rule 4 of Code of Civil Procedure, 1908 on the ground this creates an error as without substitution of the legal representatives of the deceased party, the case ought not proceed.

The counsel, however, concedes that the petitioner is at liberty to raise this as an issue of law at the stage of consideration of his leave to contest application.

In view of above, the counsel for the petitioner does not press the petition for any relief. It is disposed of accordingly. The pending application also stands disposed of.

R.K.GAUBA, J

JANUARY 15, 2018

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