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

+ RC.REV. 216/2016 & CM No. 14222/2016

BHAJAN KAUR (NOW DECEASED) THR HER LEGAL
REPRESENTATIVES

..... Petitioner

Through: Mr. Ajay Kohli & Ms. Bhumika
Kapoor, Advs.

versus

KAILASH CHAND MAKHARIA

..... Respondent

Through: Mr. Asutosh Lohia & Ms. Pragya
Srivastava, Advs.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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07.03.2018

The petition at hand seeks to assail the order dated 14.03.2016 of the Additional Rent Controller on the file of the case of the petitioner (E-417/14/11) for eviction on the ground of *bona fide* need under Section 14 (1) (e) of Delhi Rent Control Act, 1958. By the said order, the Additional Rent Controller allowed the application of the respondent for leave to contest and directed him to file written statement so that the case could be put to further process in normal course. The grievance of the petitioner in the revision petition essentially are, as also submitted at the outset on 22.04.2016, that the order does not reflect application of mind, it being a mechanical order not dealing with the facts of the case.

Having heard the learned counsel on both sides and having gone through the record, particularly, the order which is impugned here, this

Court accepts the submission of the counsel for the petitioner. In the name of dealing with the contentions raised in the application for leave to defend submitted by the respondent, all that the Additional Rent Controller has done is set out the broad submissions, without reflecting in any manner as to on what basis such contentions were raised and as to how the petitioner/landlord seeks to explain.

The order being too mechanical and cryptic, totally devoid of application of mind, cannot be allowed to stand. It is, therefore, set aside. The matter arising out of the application of the respondent for leave to defend is remitted to the Additional Rent Controller for fresh hearing and proper adjudication.

Needless to add, the Additional Rent Controller shall not feel bound by the view taken in the impugned order while approaching the matter.

The parties are directed to appear before the Additional Rent Controller on 16th March, 2018.

It is noted that the eviction petition was filed in the year 2011. In this view, there is a need for expedition. The Additional Rent Controller is, thus, requested to decide the application for leave to defend in accordance with law at the earliest.

R.K.GAUBA, J

MARCH 07, 2018/nk

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