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

+ RC.REV. 355/2013

SMT RAVI KANTA MADHOK Petitioner
Through: Mr. Mithlesh Kr. Singh, Adv.

versus

SH BAL KRISHAN KHANNA Respondent
Through: Mr. K.R. Chawla, Adv.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

% **ORDER**
05.04.2018

After some hearing, the learned counsel for the petitioner fairly concedes that further evidence was required to prove the volume of the work relating to the LIC agency held by the son, grandson and daughter-in-law of the original petitioner (since deceased) to justify the claim for commercial space through eviction of the respondent from the subject shop. He requested that the liberty to lead additional evidence may be granted. The learned counsel for the respondent, on being asked to respond, submitted he leaves the matter to the discretion of the Court. Given the reasons set out in the impugned judgment and the overall facts and circumstances of the case, it appears just and proper to grant the opportunity to the petitioner to lead further evidence. Having regard to the nature of these proceedings, it may be proper that such exercise is undertaken before the Court of Rent Controller and said forum thereafter to form a fresh view in the matter.

In view of the above, the impugned order is set aside, the proceedings arising out of the eviction case are revived and restored on the file of the Rent Controller. The petitioner will be entitled to lead further evidence restricted to above aspects and for this effective opportunity shall be granted. Needless to add, the respondent will also be entitled to lead evidence in rebuttal, if any.

Given the fact that the case is quite old, there would be a need for expeditious proceedings. This Court hopes and trusts that given the necessary cooperation by the parties, the case would be decided by the Rent Controller at an early date.

The parties are directed to appear before the Rent Controller on 3rd May, 2018.

The petition stands disposed of in above terms.

R.K.GAUBA, J.

APRIL 05, 2018

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