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

+ CM(M) 557/2016 and CM 21669/2016

PHOOLA DEVI BHATIA & ORS Petitioners

Through: Mr. J.K. Bhola, Advocate

versus

GUNJAN DEVI Respondent

Through: Mr. Arun Kumar Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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15.02.2018

The matter is taken up today as 14.02.2018 was declared a holiday.

The petition challenges the order dated 09.11.2015 of the Additional Rent Controller passed on the file of eviction case (E.no.13/12) instituted by the respondent against the petitioner on the ground of *bonafide* need invoking Section 14 (1)(e) of Delhi Rent Control Act, 1958, the procedure wherein is governed and controlled by the provision contained in Section 25 B of Delhi Rent Control Act, 1958. The petitioner concededly filed an application for leave to defend which is still pending before the Additional Rent Controller. After such application had come on record, an application came to be moved by the petitioner seeking to place on record some additional documents, pleadings in which regard found inclusion in the rejoinder

to the reply of the respondent to the application for leave to contest. It is the said prayer which has been repelled by the Additional Rent Controller by the impugned order, upon it being resisted by the respondent, reference being made by the Additional Rent Controller to the ruling of the Supreme Court in *Prithipal Singh Vs. Satpal Singh (dead) through its LRs.* (2010) 2 SCC 15 and of a learned single judge of this court in *Madhu Gupta Vs. Gardenia Estates (P) Ltd.*, 184 (2011) DLT 103.

At the hearing, the petitioners rely on *Punjab Stainless Steel House & Anr. Vs. Sangeeta Kedia*, 2014 (145) DRJ 250, another ruling of a learned single Judge of this court which carved out some exception to the general rule against additional affidavit or documents to be permitted to be brought on record beyond the period of 15 days statutorily prescribed for the respondent / tenant to submit his application for leave to defend.

After some hearing, the learned counsel on both sides fairly agree that since the issue has not been considered by the Additional Rent Controller in light of the ruling in *Punjab Stainless Steel House* (supra), the impugned order may be set aside and the matter remitted to the trial court for further consideration. Ordered accordingly. The petition and the application filed therewith are disposed of with these observations.

R.K.GAUBA, J

FEBRUARY 15, 2018

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