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

+ CM(M) 322/2015 and CM 6781/2015 and 42025/2017

DEEPTI SOBTI & ORS

..... Petitioners

Through: Ms. Soumya Kumar and Mr. Asutosh
Lohia, Advocates

versus

NEELIMA KAPOOR

..... Respondent

Through: Mr. Ravi Gupta, Sr. Advocate with Mr.
Akhil Sachar, Mr. Sachin Jain and Mr. Amit
Bhatia, Advocates

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.02.2018

After some hearing, it has been agreed and jointly submitted by the learned counsel on both sides, they having obtained instructions from their respective clients, that the impugned order dated 11.03.2015 passed by the Additional Rent Control Tribunal in appeal (ARCT 16/2014) and the order of Additional Rent Controller dated 07.07.2014 in proceedings arising out of eviction case (E.No.144/2010) may be set aside and the eviction petition of the respondent seeking an order of eviction against the petitioner of these proceedings on the ground under Section 14(1)(h) of Delhi Rent Control Act, 1958 may be remitted for further inquiry to the Court of Additional Rent Controller wherein each side will be entitled to one more opportunity to adduce additional evidence.

The learned counsel on both sides also agree that to avail of the opportunity for additional evidence, it is the respondent (who is the petitioner before the Additional Rent Controller) will first lead additional evidence and thereafter the petitioner before this Court (who is the respondent before the Additional Rent Controller) will have similar opportunity to lead additional evidence, of course, one more opportunity to be available thereafter to the respondent (i.e. the petitioner of the case before the Additional Rent Controller) to lead further evidence in rebuttal, if any.

The learned counsel on both sides point out that the eviction case is quite old and, therefore, they request that time bound directions for fresh decision by the Additional Rent Controller may be given by the court.

In view of the above, the petition at hand is allowed. The impugned orders as aforesaid are set aside. The proceedings in the eviction case on the ground restricted to the one under Section 14(1)(h) of the Delhi Rent Control Act, 1958 are revived on the file of the Additional Rent Controller. The proceedings shall be taken up on 22.02.2018 by the Additional Rent Controller when the parties shall appear with their respective counsel. The learned Additional Rent Controller will fix a suitable date convenient to the court's calendar for recording of the additional evidence first of the petitioner of the case and then of the respondent in the case. Given the old pendency, this court hopes and trusts that the Additional Rent Controller will proceed with the matter expeditiously and decides it afresh at an early

date preferably within four months of the date of first appearance as fixed hereinabove.

The petition and the applications filed therewith are disposed of with these directions.

R.K.GAUBA, J

FEBRUARY 05, 2018

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