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

+ RC.REV. 179/2017

HARBHAJAN SINGH @ KAKE

..... Petitioner

Through: Mr. A.C. Bhasin and Mr. Amit Bhasin,
Advocate

versus

MUNNI DEVI

..... Respondent

Through: Mr. Niraj Chaudhary and Mr. A. S.
Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.03.2018

The impugned order dated 27.02.2017 has been passed by the Additional Rent Controller in the eviction case (old no.39/2017 and new no.34/2017) of the respondent landlady whereby she had sought an order of eviction in terms of section 14D of Delhi Rent Control Act, 1958, the procedure wherefor is similar to the one applicable to the eviction case under Section 14(1)(e) of Delhi Rent Control Act, 1958 as set out in Section 25B of Delhi Rent Control Act, 1958.

By the impugned order, the application of the petitioner / applicant for leave to contest was denied, reference being made to the requirements of Section 14(1)(e) of Delhi Rent Control Act, 1958.

The counsel for the respondent / landlady fairly concedes that the approach of the Rent Controller was erroneous and that this has vitiated the impugned order. He thus while conceding to the petition being allowed and the impugned order being set aside submitted that the matter may be remanded for fresh hearing and adjudication on the application for leave to contest.

The petition is allowed. The impugned order is set aside. The proceedings arising out of the application of the petitioner / tenant for leave to contest are revived on the file of the Additional Rent Controller who shall hear the parties afresh and pass a fresh order. For such purposes, the parties shall appear before the Additional Rent Controller on 05.04.2018.

The interim order dated 24.08.2017 directing user / occupation charges at the rate of Rs.8,000/- p.m. with effect from the month of September 2017 is hereby vacated. If any payments have been made by the petitioner and received by the respondent, the same shall be liable to be adjusted against the contractual terms which shall now govern the relationship of the parties.

R.K.GAUBA, J

MARCH 12, 2018

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