

\$~11

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

+ CM(M) 572/2017 and CM 19740/2017

M/S GIAN BROTHERS

..... Petitioner

Through: Mr. S.S. Panwar and Ms. Nivedita  
Panwar, Advocates

versus

JAGMOHAN SINGH BHOGAL & ORS

..... Respondents

Through: Mr. Siddharth Aggarwal, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

%

**14.03.2018**

The order under challenge was passed on 12.04.2017 by the Additional Rent Controller on the file of eviction case (E-5958/2016) instituted by the respondent seeking an order of eviction against the petitioner on the ground of bonafide need under Section 14(1)(e) of Delhi Rent Control Act, 1958. The application for leave to contest under Section 25 B of Delhi Rent Control Act earlier submitted by the petitioner is pending before the Additional Rent Controller. By the application in question which was subject matter of decision in order dated 12.04.2017 the petitioner had sought to place on record by affidavit certain additional documents stating that they relate to facts subsequent to the filing of the application for leave to defend. The said prayer has been declined by the Additional Rent Controller with

reference to ruling of the Supreme Court in *Prithipal Singh Vs. Satpal Singh (dead) through its LRs*, 2010 (1) RCR 53.

The petitioner herein relies on the ruling of this court in *Punjab Stainless Stell House & Anr. Vs. Sangeeta Kedia*, passed in CM (M) 1354/2011, decided on 01.09.2014.

After some hearing, the learned counsel for the respondent fairly conceded that the impugned order may be set aside and the matter may be remitted to the Additional Rent Controller for reconsideration in the light of ruling in *Punjab Stainless Stell House* (supra), the question of permissibility of such additional material to be submitted to be kept open and to be considered in light of objections of the respondent, such application to be taken up for consideration and adjudication alongside the pending application for leave to defend, both to be decided by a common order. Ordered accordingly.

The petition and the application filed therewith are disposed of accordingly.

**R.K.GAUBA, J.**

**MARCH 14, 2018**

Yg