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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 14th March, 2018

+ RC.REV. 288/2015 & CM No.10694/2015

SHRIMATI DEVI

..... Petitioner

Through: Mr. Tanmaya Mehta with Mr. Mohit
Sharma, Advocates.

versus

M/S NEW TIMES

..... Respondent

Through: Mr. Sanjeev Sharma with Ms. Usha
Kiran, Advocates.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner is before this Court seeking to assail the judgment dated 25.02.2015 passed on the file of her case (E. No. 111/08) instituted on 05.11.2007 for eviction of the respondent on the ground of *bona fide* need for self and particularly of her married daughter and her family, the said case having been dismissed by the impugned judgment dated 25.02.2015 of the Rent Controller.

2. After some hearing, the learned counsel for the petitioner submitted on request that the impugned order may be set aside and the matter remanded to the Rent Controller so that the petitioner may

suitably amend the pleadings to bring clarity to the need of the daughter on account of neither she nor her husband being in control or possession of any other residential property in their name in Delhi and also to adduce further evidence in support of such contentions. The learned counsel for the respondent fairly conceded that the said request may be granted, though the respondent reserving the right to continue to contest the case on merits.

3. The further request of the petitioner is that she is a 75 years old lady and, therefore, there is a need for expedition, the request being for suitable directions to the Rent Controller in this regard.

4. In the above facts and circumstances, the impugned judgment of the Rent Controller is set aside. The eviction case is revived on the file of Rent Controller. The parties are directed to appear before the Rent Controller for further proceedings in accordance with law on 16th April, 2018.

5. The petitioner will be granted one opportunity by the Rent Controller to bring in an appropriate application for amendment of the pleadings which application, needless to add, will be considered in accordance with law after the response of the respondent is sought thereupon and the petitioner will be entitled to lead further evidence for which appropriate opportunity shall be afforded. Needless to add further, the respondent will also be entitled to lead further evidence, if any, after the petitioner has availed of such opportunity.

6. Given the old age of the case and also of the petitioner, the Rent

Controller will be expected to proceed with the case expeditiously this, of course, being contingent upon full cooperation from both sides, the counsel for the respondent having held out an undertaking and assurance that he would not seek any unnecessary adjournments. The Rent Controller will render fresh decision, after such further inquiry as would be necessary, at the earliest, preferably before the close of the current calendar year.

7. The petition and the pending application stand disposed of in above terms.

R.K.GAUBA, J.

MARCH 14, 2018

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