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

+ RC.REV. 528/2016 & CM No. 41342/2016 (stay)

DUSHYANT KUMAR JAIN

..... Petitioner

Through: Mr. Deepak Gupta & Mr. Kuber Giri.
Adv.

versus

NEERU JAIN

..... Respondent

Through: Ms. Kavita Wadia, Ms. Manmeet
Arora & Mr. Arjun Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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25.04.2018

The petition at hand questions the correctness, legality and propriety of the order dated 08.04.2016 of the Additional Rent Controller on the file of case (E No. 14/2015) taken out by the respondent on 14.01.2015 against the petitioner whereby the application of the petitioner for leave to contest under Section 25 B of Delhi Rent Control Act, 1958 was dismissed and resultantly the prayer of the respondent for an order of eviction on the ground of *bona fide* need under Section 14 (1) (e) of Delhi Rent Control Act, 1958 was allowed.

It may be noted here that in the leave to defend application the petitioner had referred to certain properties which, according to him, were suitable alternative accommodation available to the respondent. The respondent by way of reply had offered some explanation. All that the Additional Rent Controller has recorded in such respect in the order dated 08.04.2016 is that the respondent had clarified that neither she nor her

family members are exclusive owners of any of the properties.

After some hearing, the learned counsel appearing for the respondent fairly conceded that the plea of the petitioner with respect to the above-mentioned properties has not been properly discussed and that the impugned order suffers from deficiency of reasons. In this view, she conceded to the request of the petitioner that the impugned order may be set aside and the matter remitted to the trial Court for re-consideration of the application for leave to contest. Ordered accordingly.

The impugned judgment is set aside. The proceedings in the eviction case are revived on the file of Additional Rent Controller. The parties are directed to appear in the Court of Additional Rent Controller on 24th May, 2018.

The Additional Rent Controller shall rehear the parties and pass a fresh order on the application for leave to contest. Needless to add, the Additional Rent Controller will not feel bound by the expression of opinion on the merits in the judgment which was impugned by the petition at hand.

It is pointed out that the eviction petition was filed on 14.01.2015. Having regard to this, the Additional Rent Controller is requested to render his fresh decision on the application for leave to contest as early as possible.

R.K.GAUBA, J

APRIL 25, 2018

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