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

+ RC.REV. 596/2015

UMESH AGGARWAL Petitioner

Through: Ms. Nishtha Garg, Advocate

versus

RAM CHANDER GUPTA Respondent

Through: Mr. Arvind Kumar, Advocate with
Mr. D.K. Puchnanda, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.04.2018**

The learned counsel for the revision petitioner fairly concedes that since the special procedure under Section 25-B of the Delhi Rent Control Act, 1958 (Act of 1958) was not invoked or applied to the proceedings before the rent controller leading to the judgment dated 20.05.2015 on the eviction petition (E.No.64/2011) on the grounds under Sections 14(1)(d) and (e) of the Act of 1958, it cannot be invoked to challenge the judgment of the rent controller by revision petition under Section 25-B of the Act of 1958, even though the ground under Section 14(1)(d) of the Act of 1958 had failed, the appropriate remedy being appeal before the rent control Tribunal.

In this view, she seeks permission to withdraw the present revision petition and instead have the liberty to approach the rent control tribunal by way of appeal.

Ordered accordingly.

The stay against the execution of the eviction order shall continue to operate for a period of four weeks from today, during which period the petitioner will have the liberty to approach the rent control tribunal.

R.K.GAUBA, J.

APRIL 12, 2018

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