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

+ RC.REV. 514/2017 and CM 2471/2018

TARA WANTI

..... Petitioner

Through: Mr. J.K. Chawla, Advocate

versus

DEVINDER KUMAR GULATI

..... Respondent

Through: Mr. Amarjeet Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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16.03.2018

The petitioner had filed a case (RC/ARC 1228/16) on 05.12.2015 seeking an order of eviction against the respondent on the ground of bonafide need under Section 14(1)(e) of Delhi Rent Control Act, 1958 in respect of the premises described as shop no.1, forming part of property no.B-3, Radhey Puri, Delhi, admittedly on rent with the respondent. The case of the petitioner is to accommodate her married daughter Deepa Manocha who is unemployed and requires the premises for setting up the business of a beauty parlour. The Additional Rent Controller issued summons under Section 25B of Delhi Rent Control Act, 1958 and in answer thereto the respondent came up with an application seeking leave to contest. In considering the said application, the Additional Rent Controller took the view that

a married daughter could not be treated as dependent referring in this context to the view taken by a learned single Judge of this Court in *Bhim Singh Saini Vs. Preeti Gupta, 2016 (1) RLR 35*. On this conclusion, the Additional Rent Controller instead of dealing with the application for leave to contest decided to dismiss the eviction petition by the order dated 03.07.2017 which decision is challenged by the petition at hand.

The petitioner relies on the rulings of two other single judges of this court reported as *Krishan Kumar Gupta Vs. Swadesh Bhushan Gupta, 152 (2008) DLT 556* and *Prakash Kaur Vs. Asha Chopra and Ors., 2014 (1) RLR 615* to contend that the needs of a married daughter can also be taken into consideration. It is the submission of the petitioner that even according to the ruling in *Bhim Singh Saini* (supra) whether or not the married daughter is dependent for such purposes as are in question here, is an issue to be addressed at the trial.

After some hearing, the learned counsel on both sides agreed that the impugned order deserves to be set aside and the eviction petition deserves to be restored on the file of the Additional Rent Controller and at the same time leave to contest deserves to be granted to the respondent. Ordered accordingly.

The impugned order dated 03.07.2017 which amounts to rejection of the eviction petition is set aside. The eviction petition of the petitioner is restored on the file of the Additional Rent Controller who is directed to proceed with the matter further, the leave to contest

being hereby granted to the respondent, without prejudice to the contentions of either side. The parties are directed to appear before the Additional Rent Controller on 11.04.2018.

Needless to add on account of grant of leave to contest, the respondent will be obliged to file written statement which he must do by submitting the same before the Additional Rent Controller on the date fixed for first appearance as above.

The petition and the application filed therewith are disposed of in above terms.

R.K.GAUBA, J

MARCH 16, 2018

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