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

+ RC.REV. 66/2016

SURENDER KUMAR Petitioner
Through: Mr. Manoranjan, Advocate.

versus

VIRENDER BATRA & ANR Respondents
Through: Mr. B.L. Chawla, Advocate with
R-1 in person.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **01.02.2018**

CM No. 3951/2016 (delay in re-filing)

For the reasons set out in the application, delay in re-filing is condoned.

The application stands disposed of.

RC.REV. 66/2016 & CM Nos. 3949/2016, 10921/2016 (stay) and 27308/2016 (directions)

After some hearing, the respondents who were the petitioners before the Rent Controller in the eviction case which was allowed by order dated 10.08.2015 after rejection of the application of the petitioner for leave to contest, through counsel, on instructions, fairly concede that triable issues arise and, therefore, the leave to contest may be granted and the revision

petition may be allowed and the impugned order dated 10.08.2015 may be set aside with all consequential directions to follow, this of course, without prejudice to the contentions of both sides.

In view of the above, the petition stands allowed. The impugned order is set aside. The leave to contest to the petitioner stands granted. The proceedings before the Rent Controller consequentially stand revived. They shall be taken up by the Rent Controller for further proceedings in accordance with law on 07.03.2018 when the parties are directed to remain present. Needless to add, the petitioner shown as respondent in the eviction case will be obliged to submit the written statement on the afore-said date fixed for first appearance.

The petition and the pending applications stand disposed of accordingly.

R.K.GAUBA, J

FEBRUARY 01, 2018
srb