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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 627/2015 & CM No. 29097/2015, 8984/2016
VIJAY SHARMA Petitioner
Through: Mr. Nitin Sharma, Adv.

versus

BHAGWANI DEVI Respondent
Through: Mr. Kush Sharma, Mr. Kshitiz Ahuja,
Mr. Ekant Luthra & Mr. Prateek
Gautam, Advs.

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

ORDER
% **25.04.2018**

The revision petition at hand has been preferred by the tenant Vijay Sharma seeking to assail the order of eviction passed against him by the Additional Rent Controller by judgment dated 01.09.2015 - in the case (E.13/2014) which was instituted by the respondent/landlady on 31.03.2014 on the ground under Section 14 (1) (e) of Delhi Rent Control Act, 1958 - declining leave to contest for which an application had been moved.

After some hearing, the counsel for the respondent/landlady fairly concedes that the petition for eviction on which the impugned judgment has been passed did not contain the necessary averments, the pleadings being deficient. He, therefore, submitted that while the respondent concedes to the impugned judgment being set aside, she requests that she may be allowed to withdraw the eviction petition which may be disposed of accordingly and

she be given liberty to file a fresh petition for eviction on the ground of *bona fide* need.

The counsel for the petitioner, on being asked submits that he has nothing to say on the afore-mentioned request.

The revision petition is allowed. The impugned judgment dated 01.09.2015 granting an order of eviction to the respondent is set aside. The eviction petition registered as E No. 13/2014 instituted by the respondent against the petitioner on 31.03.2014 respecting tenanted premises described as flat duplex no. 23, first floor, Gur Mandi, Delhi is dismissed as withdrawn with liberty granted to the respondent to file fresh petition in accordance with law.

This disposes of the present petition and the pending applications.

Dasti to both sides.

R.K.GAUBA, J

APRIL 25, 2018

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