

\$~16

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

+ **RC.REV. 675/2015 & CM No. 31022/2015**

M/S CAYMES ESTATE & CONSTRUCTION PVT LTD

..... Petitioner

Through: Mr. K.M. Sharma, Director of
company in person.

versus

JAGDEEP KUMAR SETHI

..... Respondent

Through: Mr. Satya Prakash Gupta, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **14.05.2018**

The revision petition at hand was filed in December, 2015 seeking to assail the order dated 21.08.2015 of the additional rent controller on the file of eviction case (E.No. 159/2012) which had been instituted by the petitioner (landlord) on 27.11.2012 seeking an order of eviction against the respondent (tenant) on the ground under Section 14 (1) (e) of Delhi Rent Control Act, 1958 in respect of a portion described as one small shop instituted in front portion of ground floor under the stairs of property described as bearing no. R-3, Green Park, New Delhi. The respondent had sought leave to contest. His application was considered and allowed by the additional rent controller by order dated 21.08.2015, the view taken wherein is sought to be assailed by the petition at hand.

The matter has remained pending for almost two and half years now. On the other hand, the case has been pending on the file of additional rent controller where, it is submitted by the counsel for respondent, no evidence is being led by the petitioner despite opportunities given.

On the last date of hearing, on adjournment slip moved by the petitioner, the matter was adjourned. Today, counsel for the petitioner is stated to be again not available and proxy seeks adjournment. Given the nature of proceedings, no good grounds to adjourn the matter yet again.

Having heard the learned counsel and having gone through the record, this Court finds no error in the view taken by the additional rent controller in the impugned order. The tenant has pointed out several portions in the subject property which are seemingly available to the petitioner-landlord for setting up its reception office as is the need for which the eviction is sought. The petitioner-landlord had come up with a site plan with the eviction petition which was admitted to be suffering from omissions and thus at the stage of consideration of the leave to contest, the petitioner itself filed another site plan. Given the factual background, it cannot be said that the case does not throw up triable issues. The petition and the application filed therewith are dismissed.

R.K.GAUBA, J.

MAY 14, 2018

nk