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

+ RC.REV. 47/2016

JAGDISH PRASAD

..... Petitioner

Through: Mr. Rajat Aneja, Ms. Chandrika
Gupta & Ms. Vandana Aneja, Advs.

versus

SUSHMA GULATI & ANR

..... Respondents

Through: Mr. Rajiv Bajaj, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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06.03.2018

After some hearing, the counsel for the first respondent who was the petitioner before the Rent Controller in the eviction case which was allowed by order dated 17.09.2015 after rejection of the application of the petitioner for leave to contest, on instructions, fairly concedes 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 17.09.2015 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 3rd April, 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.

As requested by the counsel for the respondent/landlord, the Additional Rent Controller as requested to make all endeavour to hold expeditious proceedings.

The user/occupation charges paid by the petitioner/tenant to the respondent/landlord in terms of the interim orders will be adjusted against the rent payable as per the contractual terms (*The State of Maharashtra & Anr. vs. Super Max International Pvt. Ltd. & Ors.*, (2009) 9 SCC 772).

Dasti.

R.K.GAUBA, J

MARCH 06, 2018

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