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

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Judgment delivered on: 13.11.2019

+ RC.REV. 287/2019

GOPAL KISHAN

..... Petitioner

versus

YOGESH CHANDRA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. S.C. Singhal, Advocate.

For the Respondent: Mr. Deepak Gupta with Mr. Rupendev Sharma,
Advocates with respondents in person.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 20.02.2019, whereby leave to defend application of the petitioner was dismissed and an eviction order was passed.

2. Subject eviction petition was filed by the respondent seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from property bearing Municipal No.4338, Block No.4, Ansari Road, Darya Ganj,

New Delhi, more particularly as shown in red colour in the site plan attached to the eviction petition.

3. The ground taken by the respondent is that the respondent has a narrow passage of about 4 feet leading to the rear portion of his property and accordingly, has sought eviction of the petitioner as also of a tenant adjoining to the passage.

4. Leave to defend application of the petitioner herein as also of the tenant of the adjoining premises was refused. The revision petition of the tenant of the adjoining portion i.e. R.C. Rev.128/2018 has been dismissed by this Court by orders of today's date.

5. Learned counsel appearing for the respondent submits that in view of the revision petition of the tenant of the adjoining premises has been dismissed, he has no objection to the grant of leave provided the directions are issued to the Rent Controller to expedite the proceedings.

6. Learned counsel for the respondent further submits that, without prejudice to the rights and contentions of the parties, the use and occupation charges deposited by the petitioner with the Registrar General of this Court be refunded to the petitioner.

7. In view of the above and with the consent of the parties, impugned order dated 20.08.2019 is set aside. Leave to defend the eviction petition is granted to the petitioner.

8. List the eviction petition before the Rent Controller on 18.12.2019, on which date the petitioner shall file his written statement before the Rent Controller.

9. Keeping in view of the facts and circumstances, the Rent Controller is directed to expedite the proceedings and endeavour to conclude the same preferably within a period of one year from the next date of hearing.

10. The amount deposited by the petitioner with the Registrar General of this Court be released to the petitioner.

11. The petition is allowed in the above terms.

12. Order *Dasti* under signatures of the Court Master.

NOVEMBER 13, 2019
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SANJEEV SACHDEVA, J