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

+ **RC.REV. 541/2019 & CM APPL.40850/20019 & 49861/2019**

NORIA MAL RAM KUMAR Petitioner

Through: **Mr.Rishipal Sharma, Advocate.**

versus

KAMLESH MADAN & ORS Respondents

Through: **Mr.Anil Sharma, Advocate.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **25.11.2019**

1. Petitioner impugns order dated 18.04.2019 whereby the leave to defend application of the petitioner has been dismissed and an eviction order passed.

2. Subject eviction petition was filed by Smt. Kamlesh Madan seeking eviction of the petitioner from the tenanted premises on the ground of bonafide necessity as the tenanted premises were inter-alia required for the need of her daughter Smt.Mamta Kohli. During the pendency of the eviction petition and pending consideration of the leave to defend application, Smt.Kamlesh Madan passed away and the property devolved upon her legal heirs including Smt.Mamta Kohli.

3. Learned counsel appearing for the respondents i.e. legal heirs of Smt.Kamlesh Madan seek to amend the eviction petition so as to specifically plead the bonafide necessity of Smt.Mamta Kohli which

as per the respondents still subsists.

4. Learned counsel for the petitioner submits that the petitioner has no objection to the amendment of the eviction petition provided fresh opportunity is given to the petitioner to file his leave to defend.

5. In view of the above, impugned order dated 18.04.2019 declining the leave to defend is set aside. The respondent is given permission to amend the eviction petition. Amended petition annexed along with this application is taken on record.

6. In view of the above, the eviction petition is remitted to the Rent Controller for taking on record the fresh amended eviction petition.

7. List the petition before the Rent Controller on 07.01.2020, on which date petitioner shall place on record of the Rent Controller the amended eviction petition. The Rent Controller shall thereafter give a fresh opportunity to the petitioner to file the leave to defend application within the statutory period

8. The petition is accordingly disposed of in the above terms.

9. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 25, 2019

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