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IN THE HIGH COURT OF DELHI AT NEW DELHI
RC.REV. 258/2018 & CM APPL Nos.23045/2018, 23047/2018
GURDEV

..... Petitioner

Through : Mr.Jay Savla, Ms.Shilpi Chowdhary
and Mr.Rajpal Singh, Advocates

versus

RAJ BALA

..... Respondent

Through : Mr.Aditya Jain and Mr.Molvi Aijaz
Hussain, Advocates

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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23.01.2019

This petition challenges the impugned order dated 11th April, 2018 whereby the application for leave to defend this petition was dismissed. It is submitted by learned counsel for the petitioner that in yet another matter concerning an adjoining shop, the eviction petition filed by the respondent on the ground of bona fide necessity for use of herself, the application for leave to defend was allowed and such matter is under trial. In the present case the bona fide needs of the husband of the respondent was urged who in fact is carrying on business from four other shops viz. shop No.434, 433, shop No.3616 and 483 and too in the vicinity of suit premises. Hence it is submitted by learned counsel for the petitioner this would make a case of expansion of business of her husband and per settled law in such

cases the leave to defend may ordinarily be granted. The learned counsel for the respondent though objected to the submissions so made by learned counsel for the petitioner but says he shall be satisfied if the leave to defend is granted to the petitioner but the trial Court be directed to complete the trial within six months from the date to be given by this Court. In view of the circumstances and the submissions made by the learned counsel for the parties, the leave to defend is hereby granted in the present case to the tenant but with a direction the learned trial Court shall conclude the trial within six months from 31st January, 2019 on which date both the parties with their counsels shall appear before it at 2 PM.

In view of above order the petition along with pending applications stands disposed of.

Order dasti.

YOGESH KHANNA, J.

JANUARY 23, 2019

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