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

% Judgment delivered on: 24.01.2020
+ RC.REV. 25/2019 & CM APPL. 1863/2019, 33958/2019,
34005/2009

SUNHERI PRASAD

..... Petitioner

versus

USHA GUPTA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Preeti Singh, Mr. Deepak Verma, Mr. Sunklan
Porwal and Ms. Priya Pachori, Advocates

For the Respondents: Mr. Naresh Kumar Kapur, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 26.11.2018 whereby the leave to defend application of the petitioner has been dismissed solely on the ground that petitioner had prevented disposal of the application seeking leave to defend on merits.

2. Learned counsel for the petitioner submits that the petitioner has not delayed the proceedings or disposal of the leave to defend application and delay occurred on account of various circumstances, inter-alia, counsel for the petitioner.

3. Learned counsel, however, points out that application seeking leave to defend has not been considered on merits and an eviction order has been passed.

4. Learned counsel for the respondent submits that without prejudice to the merits of the case he has no objection in case the leave to defend application is considered by the Rent Controller on its merits subject to putting the petitioner to terms.

5. In view of the above, the impugned order dated 26.11.2018 is set aside subject to petitioner paying costs to the Respondent of Rs. 7500/-. Eviction petition as also the leave to defend application are restored to their original numbers.

6. List the matter before the concerned Rent Controller for directions on 11.02.2020, on which date Rent Controller shall fix an appropriate date for hearing and endeavour to dispose of the leave to defend application on merits expeditiously.

7. Learned counsel for the petitioner assures that petitioner shall not seek any unnecessary adjournment for addressing arguments on the leave to defend application.

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

SANJEEV SACHDEVA, J

JANUARY 24, 2020

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