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

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Judgment delivered on: 12.02.2020

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C.R.P. 10/2020 & CM APPL. 2419/2020

RAM KUMAR GUPTA

..... Petitioner

versus

OM PRAKASH & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners: Mr.Sachin Mittal, Advocate.

For the Respondent: Mr. Subhash Garg, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner/landlord impugns order dated 30.10.2019 whereby the Rent Controller has permitted the Petitioner to amend the eviction petition on an oral prayer and permitted him to restrict his eviction petition to Section 14(1) (e) of the Delhi Rent Control Act, 1958 (hereinafter referred to as the DRC Act) and thereafter recorded that the summons under the 3rd Schedule are issued for service of the respondent/landlord and that learned counsel for the respondent accepts the summons.

2. Learned counsel for the petitioner submits that the eviction

petition was filed by the petitioner under Section 14(1) (a), (e) & (f) of the DRC Act as an ordinary petition and not as a petition under the summary procedure as prescribed under Section 25-B of the *Rent Act*.

3. Learned counsel for the petitioner submits that by an identical order also dated 30.10.2019 with regard to another tenant in the same property, a similar procedure was adopted by the Rent Controller and the tenant had filed a revision petition being CRP No.253/2019 titled *Anil Kumar & Anr vs. Ram Kumar Gupta* which was disposed of by a judgment dated 28.11.2019 and this court had held the procedure to be incorrect and certain directions were issued.

4. It is conceded by learned counsel for the parties, that said judgment squarely applies to the facts of the present case also and agree that similar directions be issued in the present case also.

5. In view the same and in view of the judgment dated 28.11.2019 in CRP 253/2019, the impugned order dated 30.10.2019, in so far as it allows the petitioner to amend the eviction petition to restrict his ground of eviction to that under Section 14(1) (e) DRC Act and treat the same under Section 25B of the DRC Act, is not interfered with.

6. In view of the above, the impugned order dated 30.10.2019 is modified and the revision petition is disposed of in the following terms:

(i) the eviction petition shall be listed before the concerned Rent

Controller on 19.03.2020. Parties/their authorised representatives shall be personally present before the Rent Controller on the said date;

- (ii) on the said date, the petitioner/landlord shall file, before the Rent Controller, the amended eviction petition incorporating the amendments as allowed by impugned order dated 30.10.2019;
 - (ii) on the said date, Rent Controller shall issue summons in the prescribed form as specified in the 3rd Schedule to the respondent, requiring the respondent to file his application seeking leave to defend in terms of the said summons within the statutory period as prescribed therein and physically have the summons served upon the respondent/authorised representative;
 - (iii) Rent Controller shall thereafter proceed further, with the eviction petition, in accordance with law.
7. Petition is allowed in the above terms.
8. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 12, 2020

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