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

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Judgment delivered on: 02.03.2020

+ RC.REV. 122/2020

M/S PURSHOTTAM DASS RATTAN LAL

..... Petitioner

versus

VIJAY RAJ SINGH

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Mr. Lalit Gupta and Mr. Yash Dhyani, Advocates

For the Respondent:

Ms. Amita Singh and Mr. Avesh Chaudhary, Advocates

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 31.08.2019, whereby the Leave to defend application of the petitioner has been dismissed by the Rent Controller and an eviction order passed.
2. Respondent had filed the subject eviction petition seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1) (e) of Delhi Rent Control Act, 1958 from one shop situated at ground floor of property No. 58-59, Gandhi Gali, Fatehpuri, Delhi, more particularly as shown in red colour in the site plan annexed to the eviction petition.
3. The ground of eviction pleaded by the respondent is that he requires the tenanted premises for being used as a shop by himself and his son.

4. Learned counsel for the petitioner contends that the petitioner had in the Leave to Defend application *inter alia* contended that the respondent is also joint owner of property No. 269, Ward No. III, Katra Peran, Tilak Bazar, Khari Baoli, Delhi and had five shops which were available in the said property. Four of whom had been let out about three months prior to filing of the eviction petition and one shop was still lying vacant. Further, he had contended that in the very subject property there were other shops out of which one shop had been let out just a few days prior to filing of the eviction petition.

5. Learned counsel submits that in response to the Leave to Defend application there is a vague response and respondent has neither denied the averments specifically nor disputed the date of letting as stated by the petitioner.

6. Learned counsel submits that there are several other grounds besides these grounds which raise triable issues.

7. Issue notice. Notice is accepted by learned counsel appearing for the respondent.

8. Learned counsel for the respondent submits that since the eviction petition was filed in the year 2009, without prejudice to her rights and contentions, she has no objection in case leave to defend the eviction petition is granted to the petitioner and directions are issued to the Rent Controller to expedite the proceedings.

9. In view of the above, the impugned order dated 31.08.2019 is set aside. Leave to defend the eviction petition is granted to the petitioner.

10. List the petition before concerned Rent Controller on 07.04.2020, on which date the petitioner shall file the written statement.

11. Keeping in view of the fact that eviction petition was filed in the year 2009, Rent Controller is directed to expedite the proceedings and endeavour to conclude the same within a period of one year from the date fixed before the Rent Controller.

12. Petitioner also undertakes to clear the entire arrears of rent and deposit the same directly into the account of the respondent. He also undertakes to pay the monthly rent on or before the 10th day of each English Calendar month.

13. Learned counsel for the respondent submits that she shall forward the bank details to learned counsel for the petitioner within two days from today.

14. The arrears shall be cleared within a period of four weeks from today.

15. Petition is allowed in the above terms.

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

SANJEEV SACHDEVA, J

MARCH 02, 2020

‘aj/rs’