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

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Judgment delivered on: 25.02.2020

+ RC.REV. 507/2017 & CM APPL. 40112/2017

PREM NATH NAGPAL

..... Petitioner

versus

AJIT KUAR

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Sanjay Dewan, Advocate

For the Respondents: Mr. Anil Sharma, Ms. Gurpreet Singh and Mr. Sahil Batar, Advocates

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 18.08.2017 whereby leave to defend application of the petitioner has been dismissed and an eviction order passed.

2. Subject eviction petition was filed by the respondent, under Section 14(1) (e) of the Delhi Rent Control Act, 1958, on the ground of bonafide necessity seeking eviction of the petitioner from one Shop in property bearing No. 54, Main Market, Moti Nagar, Delhi as shown in red colour in the site plan annexed to the eviction petition.

3. The requirement propounded by the respondent was that she requires the tenanted premises for being used by her grandson. Who is the son of her deceased elder son and who was not carrying on any business.

4. One of the grounds taken by the petitioner in the affidavit filed in support of the leave to defend application was that besides the tenanted premises and the shop which was being used by the respondent along with her daughter, there are two more shops which were lying unused and vacant and which are shown as godown in the site plan.

5. The contention of learned counsel appearing for the respondent is that the alleged two shops are, in fact, godowns which are being used for storing the articles of the shop of the respondent and the articles of the shop of the other son of the respondent and are not available.

6. During the course of the arguments, learned counsel for the respondent fairly conceded that the he has no objection to the grant of leave to defend to the petitioner provided directions are issued to the concerned Rent Controller to expedite the proceedings since the respondent is above 90 years of age.

7. Keeping in view of the facts and circumstances and also the concession given by learned counsel for the respondent, impugned order dated 18.08.2017 is set aside. Leave to defend the eviction

petition is granted to the petitioner.

8. List the eviction petition before the concerned Rent Controller on 26.03.2020, on which date petitioner shall file his written statement before the Rent Controller.

9. Rent Controller shall thereafter expedite the proceedings and endeavour to conclude the entire proceedings within a period of six months from the next date fixed before the Rent Controller.

10. The petition is accordingly allowed in the above terms.

11. It is clarified that the Rent Controller shall decide the eviction petition purely on its merits without being influenced by anything stated in this order.

12. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 25, 2020

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