



\$~62

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

Date of decision: 01.09.2023

+ CM(M) 1418/2023 & CM APPL. 45155/2023

ASHISH KUMAR

..... Petitioner

Through: Mr. Sunil Chauhan and Ms. Vatsala Chauhan, Advocates.

versus

YOGRAJ DEV SHANDALIYA AND ORS

..... Respondent

Through: None.

%

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 45155/2023(for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1418/2023

1. This petition has been filed under Article 227 of the Constitution of India seeks a direction to the Additional Civil Judge acting as an Additional Rent Controller in North, Rohini Court, Delhi ('Rent Controller') for disposal of the application filed by Respondent No.1 seeking leave to defend in the case bearing case no. RC ARC 80/2016, titled as **Chandrawati & Ors. v. Yograj Dev Shandaliya**.

2. It is stated that the Petitioner herein is the landlord and has filed an eviction petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958



in the year 2013 invoking the provisions of Section 25B of the said Act.

3. It is stated that though the pleadings were competed in the application for leave to defend in November, 2013, however, no final orders have been passed on the said application for the past 10 years.

4. The learned counsel for the Petitioner states that the matter was heard by successive Presiding Officers and reserved for judgment on separate dates for one reason or the other, however the matter has not been finally decided; causing grave prejudice to the Petitioner.

4.1. She states that the matter was heard by the last Presiding Officer on 27.08.2022 and thereafter, reserved for orders. She states that the matter was adjourned from time to time and regrettably, the said officer has also now been transferred.

4.2. She states that the matter is next listed before the Rent Controller on 14.09.2023 and a new Presiding Officer has now been appointed. She therefore seeks directions for time bound disposal of the application seeking leave to defend filed by Respondent No. 1 herein.

5. This Court has considered the submissions of the counsel for the Petitioner and perused the record.

6. It is evident from the record that the arguments were heard and reserved on 18.07.2019, 16.10.2021 and 07.06.2022 by three separate presiding Rent Controller(s) however, no judgment was pronounced and thereafter due to transfer of the learned Judges it has led to matter remained undecided. The pendency of the leave to defend application for 10 years is contrary to the mandate of Section 14 (1) (e) and 25 B of the DRC Act.

7. In the facts of this case, the relief as sought by the Petitioner is clearly made out and accordingly, the learned Rent Controller is requested to hear



and decide the Respondent's application seeking leave to defend on 14.09.2023 and decide the same preferably within three (3) months from 14.09.2023.

8. Accordingly, the present petition is disposed of.

9. Pending Applications, if any, stands disposed of.

10. The Registry is directed to send a copy of this order to the concerned Rent Controller and District Judge for their information through special messenger.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 01, 2023/msh/ms

[Click here to check corrigendum, if any](#)

