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

+ **RC.REV. 64/2022**

SH YOGESH CHANDRA

..... Petitioner

Through: Mr Sahib Gurdeep Singh and Mr
Rupendev Sharma, Advs.

versus

M/S ROOP CHAND AND SONS & ANR.

..... Respondents

Through: Mr S.P. Mehta, Adv.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

29.02.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. After part arguments, both sides request that the impugned order be set aside and matter be remanded to the learned Additional Rent Controller with the directions to pass fresh detailed order covering all relevant aspects.
2. Broadly speaking, the petitioner/landlord has assailed the impugned order whereby after full dress trial, the eviction petition under Section 14(1)(e) of the Delhi Rent Control Act was dismissed solely on the ground that the present petitioner failed to prove his ownership over the subject premises, though the leave to contest had been granted on the triable issue qua availability of alternate suitable accommodation; but in the final order impugned in these proceedings, there was no discussion about the said triable issue of alternate accommodation. On these aspects, learned counsel for respondent/tenant also has fairly admitted that the impugned order



cannot be sustained in these proceedings.

3. In view of above circumstances, the present petition is allowed with consent of both sides and the impugned order is set aside, remanding the matter to the learned Additional Rent Controller with direction to hear both sides and pass fresh final order. Since the trial has already concluded and it is only the final arguments that have to be heard, it is directed that the matter shall be finally disposed of by the learned Additional Rent Controller within a period of three months from today. In order to ensure compliance, a *dasti* copy of this order be given to both sides, who shall present the same before the learned Additional Rent Controller on 04.03.2024 at 02:00 pm and thereafter the learned Additional Rent Controller shall fix date of final arguments according to his calendar.

GIRISH KATHPALIA, J

FEBRUARY 29, 2024/rk

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