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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 17th September, 2024

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CM(M) 704/2021 & CM APPL. 36216/2021, CM APPL.22328/2022

SH MADAN MOHAN GUPTA

.....Petitioner

Through: Mr. Jai Sahai Endlaw with Mr. Nitin
Kumar and Ms. Sagarika Kaul,
Advocates.

versus

SMT SANDHYA GUPTA AND ORS

....Respondents

Through: Mr. Arvind Kumar Gupta with
Mr. Sunil Gupta, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. This matter has been got listed on directions as connected matter i.e. CM(M) 284/2021 is also listed today in which an application has been moved seeking stay as the learned Rent Controller has fixed 28th instant for hearing arguments on applications seeking leave to defend.
2. It is submitted that since there is no stay in the matter, in case the arguments are heard, it would seriously prejudice the case of the petitioners.
3. With the consent of the parties, the main petition, as such, has been taken up for final hearing today itself.
4. The next date of 03.12.2024 is cancelled.
5. Petitioners are defending a petition seeking eviction filed on the



ground of bonafide requirements under Section 14(1)(e) of Delhi Rent Control Act, 1958.

6. During course of the consideration of the above said petition, earlier, on account of the fact that the application for leave to defend had not been submitted within the stipulated period, an eviction order was passed. However, when revision was filed by the tenants, this Court, vide order dated 01.11.2017 passed in RC Rev.498/2017 set aside said order and the petition was restored to the same position as immediately prior to the impugned order and the learned Rent Controller was accordingly requested to consider the applications filed by the petitioners seeking leave to defend, on its own merits.

7. When the matter was pending consideration for arguments on such leave to defend applications, the tenants moved two applications (one dated 01.03.2018 and the other dated 07.12.2018) seeking amendment in the leave to defend applications.

8. Such applications were dismissed by the learned Rent Controller as well as by the learned Tribunal and this is how the present petition has been filed under Article 227 of the Constitution of India.

9. Heard arguments.

10. During course of the arguments, when asked, learned counsel for the respondent/landlord contended that though there is no merit and substance in the present petition but since his petition filed on the



ground of bonafide requirement is getting delayed unnecessarily, he would have no objection if the petitioners are permitted to file additional affidavits in terms of their said two amendment applications dated 01.03.2018 and 07.12.2018. He, however, states that his concession is only for the purpose of ensuring expeditious disposal of his petition and is without prejudice to his rights and contentions.

11. This Court has also gone through the averments made in the applications moved under Order VI Rule 17 CPC and keeping in mind the averments made therein and also the concession given by the learned counsel for the respondents, the present petition is allowed with the direction that the petitioners would file additional affidavits, strictly in terms of the aforesaid two amendment applications, within one week from today with advance copy to learned counsel for the opposite side.

12. Needless to say, the landlords/respondents would be also at liberty to file counter affidavit, if any, with advance copy to the opposite side.

13. Since the matter has already got delayed considerably, learned Rent Controller is also requested to hear arguments on said applications seeking leave to defend and to dispose of the same as expeditiously as possible. Learned counsel for the petitioners states that he would extend his best cooperation in this regard to the learned Trial Court and would not seek any unnecessary adjournments.



14. It is clarified that this Court has not made any comment with respect to the merits or demerits or the averments made by the tenants and it would be up to the learned Trial Court to consider the applications seeking leave to defend, without getting influenced by any observation made in the present order.

15. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 17, 2024
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