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

% ***Date of decision: 22nd July, 2024***

+ **CM(M) 2957/2024 & CM APPL. 40512/2024**

PRAMOD KUMAR GUPTA

.....Petitioner

Through: **Mr. Neeraj Kumar Verma, Advocate**
versus

VIJAY KUMAR & ANR.

.....Respondent

Through: **None**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 40512/2024

Exemption allowed subject to all just exceptions.

CM(M) 2957/2024

1. Respondent herein has filed a petition seeking eviction on the ground of bona fide requirement.
2. Petitioner herein is tenant before the learned Trial Court and admittedly, he received the summons in terms of Third Schedule of Delhi Rent Control Act on 26.02.2024 but no application seeking leave to defend was filed.
3. Learned counsel for the petitioner submits that he was in no position to file such application as he had not been supplied with the legible copies of some of the pages and some of the pages were also missing.
4. However, during course of the arguments, it was fairly admitted by



the learned counsel for the petitioner that when the eviction petition was taken by the learned Addl. Rent Controller on 17.05.2024, eviction petition was allowed and the tenant/petitioner herein has been directed to hand over the vacant possession of the tenanted premises within a period six months.

5. The eviction petition has been filed under summary procedure prescribed under Chapter-IIIA of Delhi Rent Control Act and as per proviso attached to Section 25B, though no appeal is maintainable against such order, there is a provision for filing revision. As per Section 25B(9) of Delhi Rent Control Act, if no revision is filed before the High Court, the Controller can even exercise power of review in accordance with the provisions of CPC.

6. Present petition has been filed invoking Article 227 of the Constitution of India.

7. After hearing arguments for some time, learned counsel for petitioner states that he does not press the present petition and seeks liberty to withdraw the same and to file appropriate petition in terms of the specific provision as aforesaid.

8. In view of the aforesaid, the present petition is dismissed as withdrawn and liberty, as prayed, is granted.

(MANOJ JAIN)
JUDGE

JULY 22, 2024/dr