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

+ **RC.REV. 211/2018**

ASHOK KUMAR

..... Petitioner

Through: Mr Vipin Pillai, Adv.
Petitioner-in-person.

versus

RAMPHAL SINGH

..... Respondent

Through: Mr Jagdeep Anand and Mr Rakshit
Tyagi, Adv.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

07.02.2024

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

CM APPL. 19831/2018 (for condonation of delay of 33 days in filing the present application) , CM APPL. 38312/2018 (under Order 30 Rule 10 CPC read with Section 151 CPC for dismissal of petition), CM APPL. 16018/2019 (for filing of amended memo of parties) and RC.REV. 211/2018

1. After part submissions, both sides on instructions submit that the impugned order may be set aside and matter be remanded to the Additional Rent Controller for deciding the leave to contest application afresh. By way of the impugned order, at the stage of consideration of the application for leave to contest the proceedings under Section 14(1)(e) of the Delhi Rent Control Act, the eviction petition itself was summarily dismissed, after simply recording the rival contentions in two paragraphs. There is another aspect to it. According to both sides, the original tenant Shri Ramphal Singh had expired in the year 2016 but was not substituted with his legal



representatives. It is submitted by counsel for respondent that since the impugned order was passed after conclusion of final arguments with a long period of delay and during that period the respondent had died, they could not inform the court of Additional Rent Controller. This aspect also may be raised before the Additional Rent Controller.

2. It is in these circumstances, both sides request that revision petition may be allowed and the impugned order be set aside, remanding the matter to the Additional Rent Controller.

3. Accordingly, the impugned order is set aside and this petition is allowed, remanding the matter to the court of Additional Rent Controller for fresh decision on the application for leave to contest.

4. It is directed that the Additional Rent Controller shall pass fresh order on the application for leave to contest within two months from today after hearing both sides. Both sides shall appear before the Additional Rent Controller on 14.02.2024 at 2:00 pm. In order to ensure compliance, copy of this order be given *dasti* to both sides and be sent immediately to the Rent Controller (East).

5. At this stage, counsel for Shri Devender Singh, one of the LRs of respondent undertakes to file vakalatnama during the course of the day.

GIRISH KATHPALIA, J

FEBRUARY 7, 2024/RY

Click here to check corrigendum, if any