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

+ **RC.REV. 154/2018**

LAL PRABHU DAYALJI DADUPetitioner

Through: **Mr. Vikas Khatri, Advocate**

versus

RAJENDER KUMR & SONRespondent

Through:

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

21.08.2024

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1. The present revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 to impugn the order dated 02.01.2018 passed by the court of Ms. Susheel Bala Dagar, Pilot Court, Central, Tis Hazari Courts, Delhi in eviction petition bearing no. E-613/2017 titled as **Lal Prabhu Dayal Ji Dadu Panthi Ram Puria Trust V Rajender Kumar & Sons**.
2. The petitioner filed the eviction petition under section 14(1)(e) read with section 25B of the Delhi Rent Control Act, 1958 against the respondent bearing no. E-613/2017 titled as **Lal Prabhu Dayal Ji Dadu Panthi Ram Puria Trust V Rajinder Kumar and Sons**. The summons were ordered to be issued as per the Third Schedule, however, the leave to defend was not preferred by the respondent who is claimed to be the tenant in respect of the tenanted premises.
3. During the pendency of the eviction petition, an application under Order 1 Rule 10 CPC was filed by the applicant/Harish Chaudhary for



impleadment as respondent which was ordered to be dismissed vide order dated 02.01.2018. The trial court vide order dated 02.01.2018, also dismissed, the eviction petition by observing that the petitioner has concealed the material facts and has not come to Court with clean hands and reliance was also placed on **T. Arivandandam V T. V. Satyapal & Another**, 1977 AIR 2421.

4. The counsel for the petitioner stated that he shall file an appropriate application for amendment of the eviction petition and thereafter, the trial court be directed to proceed with the eviction petition in accordance with law.

5. After considering all facts, the order dated 02.01.2018 is set aside with the direction to the petitioner to file an appropriate amendment application for amendment of the eviction petition bearing no. E-613/17 titled as **Lal Prabhu Dayal Ji Dadu Panthi Ram Puria Trust V Rajender Kumar & Sons** preferably within a period of 04 weeks from today. The trial court is directed to deal with the amendment application strictly in accordance with law and to pass an appropriate order and thereafter proceed with the eviction petition in accordance with law.

6. The present petition stands disposed of.

7. The petitioner is directed to appear before the trial court on 02.09.2024 at 02:00 PM for further directions.

8. Copy of this order be sent to the trial court for information and compliance.

DR. SUDHIR KUMAR JAIN, J

AUGUST 21, 2024

Sk/am