



\$~15

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

+ **RC.REV. 459/2018**

ASHOK KUMAR

..... Petitioner

Through: Mr Vipin Pillai, Adv.

versus

ASHOK KUMAR HARJAI

..... Respondent

Through: Mr Jagdeep Anand, Adv.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

%

13.03.2024

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

1. Cost dated 07.02.2024 paid. By way of this petition brought under proviso to Section 25B(8) of the Delhi Rent Control Act, the landlord has assailed order of the Additional Rent Controller whereby at the stage of deciding on the application for leave to contest, the eviction petition itself was dismissed summarily.
2. At the outset, both sides have brought to my notice order dated 07.02.2024 in another proceedings initiated by the same petitioner against different tenant. Both sides on instructions submit that the impugned order may be set aside and the matter be remanded to the Additional Rent Controller for deciding the leave to contest application afresh.
3. Accordingly, the petition is allowed and the impugned order is set aside, remanding the matter to the court of Additional Rent Controller for fresh decision on application for leave to contest.



4. It is directed that the Additional Rent Controller shall pass fresh orders on application for leave to contest within two months from today after hearing both sides. Both sides shall appear before the Additional Rent Controller on 18.03.2024 at 2:00 pm, when the other proceedings are stated to be already listed. For compliance, copy of this order be given *dasti* to both sides and be also sent to the Rent Controller (East).
5. Consequently, the present petition as well as pending applications stand disposed of.

GIRISH KATHPALIA, J

MARCH 13, 2024/ry

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