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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 105/2025, CM APPL. 18113/2025, CM APPL. 18114/2025
and CM APPL. 18115/2025

RAHUL GOYAL & ANR.Petitioners

Through: Mr.Kabeer Shrivastava, Mr.Abhimanyu
Mahajan and Mr.AmitDhyani, Advocates

versus

AJAY GUPTA & ORS.Respondents
Through: Ms.Sonali Chopra, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
28.03.2025

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1. By way of present petition, the petitioner seeks to assail the impugned order/judgment dated 12.02.2025 passed by learned ARC, Patiala House Courts, New Delhi in RC/ARC 25/2021, whereby the respondents' eviction petition was allowed on the ground that the petitioners' application for leave to defend was filed after a delay of one day.
2. Learned counsel for the petitioners submits that though the impugned order records that there was a delay of one day, however, last day being Sunday, there was, in fact, no delay in filing the application for leave to defend. He further submits that even otherwise, this Court, in the light of decision of Directorate of Education v. Mohd. Shamim, reported as **2019 SCC OnLine Del 11490** is empowered to condone the delay.



3. Learned counsel for the respondents, who appears on advance notice, fairly does not oppose the prayer made in the present petition and submits that the matter be remanded back for consideration on merits. She, however, prays that eviction proceedings being filed in the year 2021, the leave to defend application be considered expeditiously. The parties shall be at liberty to make the said request before the learned ARC.
4. In view of the above, the impugned order is set aside and the matter is remanded back to the learned ARC for deciding the same afresh.
5. The matter be listed before the concerned Court at the first instance for directions on 04.04.2025.
6. In view of the above, the present petition is disposed of alongwith the pending applications.

MANOJ KUMAR OHRI, J

MARCH 28, 2025

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