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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RC.REV. 352/2025, CM APPL. 70705/2025, CM APPL.
70706/2025, CM APPL. 70707/2025

SURESH (SINCE MISSING) THR LRS

.....Petitioner

Through: Mr. M.S. Khan, Mr. M. Yasir Khan
and Mr. Akbar Kareem, Advocates.

versus

RAMA KANTI (SINCE DECEASED) THROUGH LRS.

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

02.12.2025

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1. The petitioner/ applicant (*applicant*) before the learned Additional Rent Controller (*learned ARC*), vide the present petition under *Section 25-B(8)* of the Delhi Rent Control Act, 1958 (*the Act*) seeks setting aside of the order dated 13.06.2025 (*impugned order*) passed by the learned ARC-02, Central District, Tis Hazari Courts, Delhi in eviction petition, being RC ARC no.809/2019, entitled “*Rama Kanti V/s Mohan Lal*” whereby the leave to defend application of the original tenant has been dismissed and an order of eviction has been passed against him.

2. Prior to passing of the impugned order, vide order dated 03.06.2025 the learned ARC had dismissed the application under *Order I rule 10* of the Code of Civil Procedure, 1908 (*CPC*) of the applicant, who are the LRs of the erstwhile tenant in the Eviction Petition filed by the landlord



against the tenant. The said order dated 03.06.2025 of dismissal passed by the learned ARC has not been challenged by the applicant herein. In fact, the applicant has sought seeking aside of the impugned order dated 13.06.2025, without being a party to the *lis*. As such, *prima facie* the same raises an issue of maintainability of the present petition by the applicant.

3. After some arguments, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to seek recourse to appropriate remedy available as per law.

4. Accordingly, the present petition alongwith the pending applications stands dismissed as withdrawn, with liberty as prayed for.

SAURABH BANERJEE, J

DECEMBER 2, 2025/So