



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 32/2025, CM APPL. 4803/2025, CM APPL. 4804/2025
and CM APPL. 4805/2025

SHRI KAMAL KUMAR SIKRI

.....Petitioner

Through: Mr.Viniod Kumar, Mr.Hem Kumar and
Mr.Nupur Mantoo, Advocates with petitioner in
person

versus

SHRI MURLIDHAR SHARMA

.....Respondent

Through: Mr.Gaurav Kumar Singh and
Mr.Nagander, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.03.2025

%

1. By way of present revision petition filed under Section 25-B (8) of the Delhi Rent Control Act 1958 (hereinafter, referred to as 'DRC Act'), the petitioner seeks to assail order dated 11.09.2024 passed by the Court of Additional Rent Controller, Tis Hazari Courts, Delhi in Eviction Petition, bearing ARC No.611/2022, vide which the petitioners/tenants' leave to defend application was dismissed and an eviction order was passed in favour of the respondent/landlord herein, for recovery of tenanted premises, i.e., *one Shop on the ground floor measuring about 8.9" X 11.6" situated at ground floor out of property bearing municipal no. 8768-69, Gali No. 14-8, Shidi Pura, Karol Bagh, New Delhi-110005* (hereinafter, 'subject property').
2. Learned counsel for the petitioner submits that vide the aforesaid order, the ARC has dismissed his leave to contest in the absence of any arguments. While referring to various proceedings, it is stated that since the petitioner's counsel was not available, statements were made on behalf of



the petitioner and the ARC proceeded to consider the application and dismissed the same. He has further drawn the Court's attention to the averments in the leave to contest, where the applicant pleaded availability of alternate suitable accommodation, however, the same was not dealt with in the impugned order.

3. Learned counsel for the respondent, on the other hand, has countered the submissions by stating that the time and again opportunities was granted to the petitioner, however, his counsel chose not to appear. He has further drawn the Court's attention to the order passed by this Court on 27.01.2025, wherein it was noted that petitioner neither denied existence of landlord-tenant relationship between the respondent and him, nor challenged the respondent's ownership of the subject property. The only contention that remains is regarding the bona fide need and the availability of alternate suitable accommodation with the respondent.

4. I have perused the order. The order is bereft of any reasoning on the said aspect and after noting the averments in the leave to contest, concludes that no other suitable accommodation is available. Having gone through the order, this Court is of the considered opinion that it is a fit case to be remanded back to the ARC to decide the matter afresh without being influenced in any manner with the observations made in the present order.

5. Accordingly, the impugned order is set aside and the matter is remanded back to the ARC for deciding the reference afresh.

6. The matter be listed before the concerned Court at the first instance on 17.04.2025.

7. At this stage, learned counsel for the petitioner submits that in view of the order passed, the review filed will be withdrawn.



8. In view of the above, the present petition is disposed of alongwith the pending applications.

MANOJ KUMAR OHRI, J

MARCH 26, 2025/na