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

\# **CNR No. DLHC010405362022**

\+ RC.REV. 256/2022, CM APPL. 46557/2022 (Delay of 2 days in filing leave to defend application) & CM APPL. 46558/2022 (Stay)

MANMOHAN SINGH & ANR. .....Petitioners

Through: Mr. Saurabh Seth, Panel counsel for DHCLSC with Ms. Neelampreet Kaur, Mr. Abhiroop Rathore, Mr. kabir Dev and Mr. Sukhvir Singh, Advocates
Ms. Ritu Bhardwaj, Mr. Rajat Gaur, Ms. Bhavya Malhotra, Advs. for P-2

versus

AMARJIT SINGH SAPRA .....Respondent

Through: Mr. Anupam Dwivedi & Mr. Ashutosh Kumar, Advs.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

O R D E R

% 06.10.2026

1. The present Revision Petition has been filed under Section 25-B(8) of the Delhi Rent Control Act, 1958 ["**DRC Act**"], assailing the Order dated 02.04.2022 ["**Impugned Order**"] passed by the learned SCJ-cum-Rent Controller, Central District, Tis Hazari Courts, Delhi ["**learned RC**"], in E-110/2022, whereby the Application seeking leave to defend filed by the Petitioners came to be rejected on the

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ground that the same was filed on 01.04.2022, whereas service upon the Petitioners was stated to have been effected on 15.03.2022.

2. Learned counsel for the Petitioners submits that the date of 15.03.2022 appears to be erroneous and that, in fact, the notice of the eviction petition was received by the Petitioners only on 22.03.2022. He submits that, even assuming that the notice was received on 15.03.2022, the delay in filing the application seeking leave to defend would be of only two (02) days.

3. He further submits that, though the learned RC may not have the power to condone such delay, this Court has, in an appropriate case, condoned such delay in the judgment rendered by this Court in ***Directorate of Education v. Mohd. Shamim***[1].

4. ***Per contra***, learned counsel appearing for the Respondent, makes a fair and forthright submission, that the delay, if any, is not substantial and, therefore, the Impugned Order may be set aside and the matter may be remanded to the learned RC for consideration of the application seeking leave to defend on merits, on the basis of the record available before the learned RC.

5. He further submits that the Respondent may be permitted to file a Reply to the application seeking leave to defend, along with the accompanying Affidavit.

6. Learned counsel for the Respondent further submits that, since almost four (04) years have elapsed from the passing of the Impugned Order, the learned RC may be requested to consider the matter expeditiously.

[1] 2019 SCC OnLine Del 11490

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7. This Court has heard learned counsel for the parties at length and, with their able assistance, perused the material on record, including the Impugned Order.

8. In view of the fair and forthright submission made by learned counsel for the Respondent, the Impugned Order is set aside. The matter is remanded back to the learned RC for consideration of the Application seeking leave to defend afresh, on merits and for disposal of the matter in accordance with law. The Respondent shall be at liberty to file a Reply to the said Application, along with the accompanying Affidavit, within a period of three (03) weeks from today.

9. The learned RC is requested to endeavour to consider and dispose of the matter, preferably and time permitting, within a period of one (01) year from today.

10. Learned counsel for the Petitioners, on instructions, undertakes that the arrears of rent shall be cleared within a period of one (01) week from today. He further submits that the Petitioners undertake to make payment of the user and occupation charges in terms of the arrangement mutually agreed between the parties.

11. In view of the aforesaid, the present Petition, along with the pending applications, is disposed of in the above terms.

12. List before the learned RC on 27.10.2026.

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 6, 2026/rk/ma

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