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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 302/2025, CM APPL. 62293/2025 & CM APPL. 62294/2025
SH KALI CHARAN SAINIPetitioner

Through: None.

versus

SMT SEEMA DEVI KHANDELWALRespondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **02.04.2026**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 25-B(8) of the Delhi Rent Control Act, 1958, seeks the following prayers: -

“1. To call for the records of the Eviction Petition no. RC /ARC/ 397/2021 titled as "Seema Devi Khandelwal Vs. Kali Charan Saini" and to peruse the same;

2. To Set-aside the impugned judgement /order dated 19.03.2025 passed by Sh. Rupinder Singh Dhiman, Ld. ARC, Delhi in E. no. RC / ARC/ 397/2021 titled as "Seema Devi Khandelwal Vs. Kali Charan Saini" and to allow the application for leave to defend;

3. To allow the application for leave to defend of the Petitioner;

4. Pass any other and further order/relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the Petitioner and against the Respondent.”

3. *Vide* order dated 29.10.2025, the learned Predecessor Bench of this Court passed the following order: -



“1. Learned counsel appearing for the petitioner/ tenant through video conferencing submits that the tenant is unable to pay the user and occupation charges @ Rs.800/- per month with effect from 19.03.2023 in terms of the earlier order, and, therefore the affidavit in compliance of the last order has not been filed.

2. Be that as it may, he fairly submits that the tenant is willing to handover the vacant, peaceful and physical possession of the subject premises to the respondent/ landlord on 01.11.2025 at 12:00 Noon. Learned counsel for the respondent/ landlord affirms to be present at the subject premises accordingly on 01.11.2025 at 12:00 Noon for taking the keys thereof.

3. Learned counsel for the petitioner/ tenant seeks, and is granted, a period of one week to file an affidavit to the aforesaid effect.

4. List on 18.11.2025.”

4. Subsequently, on 09.12.2025, it was recorded that petitioner had already handed over the vacant, peaceful and physical possession of the subject premises to the respondent on 01.11.2025.

5. None appears on behalf of the parties today.

6. There was no appearance on behalf of the parties on the last date of hearing, i.e., 16.01.2026, as well.

7. In these circumstances, the present petition is dismissed in default for non-prosecution and disposed of accordingly.

8. Pending application(s), if any, also stands disposed of.

9. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 2, 2026/bsr