

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5909/2006

(From the judgement and order dated 03/03/2006 in CR No. 447/2005
of The HIGH COURT OF DELHI AT N. DELHI)

SUBASH MOHAN LAL

Peti tioner(s)

VERSUS

PAWAN KUMAR & ORS.

R espondent(s)

(With prayer for interim relief and office report)

Date: 04/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. S.Mahendran,Adv.

For Respondent(s)

Mr. Anil Gupta, Adv.

Mr. Shiv Charan Garg, Adv.

Mr. Aribam Guneshwar Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

Special leave granted.

The appeal is allowed in terms of the signed judgment. N
o order as to the costs.

(Ajay Kr. Jain)
(Vijay Dhawan)

Court Master
Court Master

le)

(Signed non-reportable judgment is placed on the fi

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3378 OF 2006

(Arising out of SLP(C) No. 5909 of 2005)

Subash Mohan Lal
Appellant

....

Versus

Pawan Kumar & Ors.
Respondents

....

J
U D G M E N T

We have heard counsel for the parties.

Special leave granted.

failed to Leave to defend was refused to the appellant since he had pay the costs earlier

awarded. That order has been upheld by the High Court.

Having regard to the facts and circumstances of the case, we feel that the interest of justice will

be served if the appellant is given an opportunity to pursue the matter before the Additional Rent Controller,

Delhi subject to his paying a sum of Rs.6,000/- (Rupees six thousand only) by way of costs to the respondents

herein within a period of four weeks from today. This appeal is accordingly allowed and the order of the

Additional Rent Controller, Delhi dated 6.9.2005 is set aside.

Counsel for the respondents submits that the appellant is only interested in delaying the

proceedings. We direct that the Additional Rent Controller, Delhi shall see to it that the appellant does not

adopt delaying tactics and unnecessary adjournments shall be refused.

We direct the parties to appear before the Additional Rent Controller, Delhi on 4th September,

2006 when he shall fix a date of hearing. On the next date of hearing the Addl. Rent Controller shall hear the

parties on the question of grant of leave to defend and pass an order in accordance with law. The appellant

may file his rejoinder, as was directed by the Addl. Rent Controller within a period of two weeks from today.

The appeal is allowed. No order as to the costs.

.....J.

(B.P. SINGH)

.....J.

(ALTAMAS KABIR)

New Delhi

August 04, 2006