

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.7256 OF 2008
(Arising out of S.L.P. (C) No.10527 of 2008)

Hari Ram Sharma

...Appellant(s)

Versus

Naraini Devi Sharma

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The Additional Rent Controller, by its order dated 6th October, 2007, passed in E-463/07/05, has refused to grant leave to the tenant to contest the claim for ejectment and passed order of eviction. The said order has been confirmed by the High Court in a writ petition. Hence, this appeal by special leave.

From a bare perusal of the petition for grant of leave to contest, it would appear that the Additional Rent Controller was not justified in refusing to grant leave and passing the order of eviction.

Accordingly, the appeal is allowed, impugned orders are set aside and leave to contest the claim for ejectment is granted. The tenant is granted two months' time to file show cause in the eviction proceeding. As the proceeding was initiated in the year 2005, the Rent Controller is directed to dispose of the same within six months from the date of filing of written statement after giving opportunity of adducing evidence to the parties in accordance with law.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

**New Delhi,
December 12, 2008.**