



2025:DHC:8163



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

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*Date of Decision: 16.09.2025*+ **CM(M) 1823/2025, CM APPL. 58552/2025 & CM APPL. 58551/2025****KHERATI LAL THROUGH HIS LEGAL HEIRS** .....PetitionersThrough: Mr. H.S. Phoolka, Senior Advocate  
with Ms. Nandita Rao and Mr. Jai  
Shankar, Advocates.

versus

**SMT. RAJKUMARI** .....Respondent

Through: Ms. Sonia A. Menon, Advocate.

**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. Petitioners (*eviction respondents before the trial court*) have assailed order dated 10.06.2025 of learned Additional Rent Controller, whereby in the proceedings under Section 14(1)(e) of the Delhi Rent Control Act at the stage of respondent's evidence, application under Order VI Rule 17 CPC filed by the present petitioners was dismissed.

2. Learned counsel for the present respondent appearing on advance intimation accepts notice.



2025:DHC:8163



3. After part submissions, learned counsel for both sides fairly admit that the impugned order is not sustainable for two reasons. Firstly, the learned trial court took a wrong view that the present petitioners can lead evidence even without any foundational pleadings. Secondly, the impugned order does not discuss each of the amendment sought by the present petitioners, and rather appears to be an omnibus order.

4. Accordingly, with consent of both sides, the impugned order is set aside and matter is remanded to the learned trial court with the request to hear both sides again on the amendment application of the present petitioners and pass a fresh reasoned order within four weeks from today. The petition and the accompanying applications stand disposed of.

5. As submitted by both sides, matter is already listed before the learned trial court on 20.09.2025, so they shall accordingly appear there.

**GIRISH KATHPALIA  
(JUDGE)**

**SEPTEMBER 16, 2025/ry**