

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 32270/2026

[Arising out of impugned final judgment and order dated 03-09-2026 in RCREV No. 401/2025 passed by the High Court of Delhi at New Delhi]

RAMA RAJPUT

Petitioner(s)

VERSUS

KHANDELWAL JAIN SOCIETY & ORS.

Respondent(s)

IA No. 274541/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 274538/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 10-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Saurabh Mishra, Sr. Adv.
Ms. Nimisha Menon, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. On behalf of the petitioner it is submitted that leave to defend was sought by the petitioner by pleading that the landlord had vacant accommodation available for his possession and, therefore, there existed no *bona fide* need for the accommodation in dispute. The Rent Controller as well as the High Court considered the evidence in rebuttal of the plea to reject the application seeking leave to defend when, at this stage, it is the tenant's

plea alone which is to be considered and not the evidence led in rebuttal thereof as the stage of evidence is to come only after leave is granted. In support of his submission, the learned counsel for the petitioner has placed reliance on a three-Judge Bench decision of this Court in *Precision Steel & Engineering Works and Another vs. Prem Deva Niranjana Deva Tayal*, (1982) 3 SCC 270 (para 12)

2. Issue notice, returnable in four weeks.

3. In the meantime, the effect and operation of the eviction order shall remain stayed.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)