

SUPREME COURT OF INDIA

Subash Mohan Lal

Vs.

Pawan Kumar

(B.P.Singh and Altamesh Kabir JJ.)

04.08.2006

JUDGMENT

1. We have heard counsel for the parties.
2. Special leave granted.
3. Leave to defend was refused to the appellant since he had failed to pay the costs earlier awarded. That order has been upheld by the High Court.
4. 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.
5. 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.
6. 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.