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

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**RC.REV. 260/2011 and CM No.10118/2012 (Stay)**

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Decided on: 8<sup>th</sup> April, 2015

**KRISHNA AHLUWALIA & ORS**

..... Petitioners

Through: Mr. Rajat Sharma, Advocate for  
Petitioners Nos. 1, 2, 3 and 5.  
Mr. A.B. Pandey, Advocate for  
Petitioner No.4.

versus

**NARENDER SINGH BEDI & ORS**

..... Respondents

Through: Mr. Dilpreet Singh, Advocate for  
Respondent No.1.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**MUKTA GUPTA, J (ORAL)**

1. Petitioners Krishna Ahluwalia, Raj Kumar Ahluwalia and Ashok Kumar Ahluwalia filed an eviction petition under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 (in short 'the DRC Act') against the Respondent Narender Singh Bedi who was a tenant in one shop at ground floor in property bearing No. 4030, Naya Bazar, Delhi vide Rent Agreement dated 13<sup>th</sup> November, 1978. Abhishek Ahluwalia, son of late Shri Ashwani Ahluwalia, Asha Ahluwalia wife of late Shri Ashwani Ahluwalia, Asha Ahluwalia wife of Shri Ravinder Pal Ahluwalia and Smt. Urvashi Ahluwalia, wife of Shri Randhir Singh Ahluwalia were impleaded as Respondent Nos. 2 to 5 being the LRs of late Shri Sham Lal Ahluwalia. In the eviction petition leave to defend was granted to Narender Singh Bedi vide the impugned order and hence the present petition.

2. In the eviction petition, the Petitioners stated that the tenanted premises was let out to Narender Singh Bedi who changed the name of his business frequently as earlier it was called 'Bedi Transport Company', then 'Continental Transport Organization', then 'Delta Transport Company' and then 'Delhi Indore State Transport Company (Regd.) and at the time of filing of eviction petition 'Bedi Highway Carriers'. It was stated that Narender Singh Bedi has closed down the business w.e.f. 3<sup>rd</sup> June, 2003 and in this regard information was given to the Income Tax Authorities and an affidavit was filed in the Court of the Presiding Officer, Labour Court. Since the families of late Chiranjeet Lal Ahluwalia, predecessor in interest of Petitioners and Sham Lal Ahluwalia, predecessor in interest of Respondent Nos. 2 to 5 had expanded, they required the premises bona fide for running their business and they have no alternate suitable accommodation.

3. In the leave to defend application Narender Singh Bedi challenged the ownership of the Petitioners. It was stated that there were two more shops on the ground floor other than the tenanted premises which were in possession of the Petitioners. The two shops were rented out to one M/s Malik Transport Company around two years back. Further even on the back side of the suit property there were two shops out of which one was in possession of the Petitioners. The first floor which was being used for residential purpose was lying vacant and is in possession of the Petitioners and Respondent Nos. 2 to 5. The families have shifted to their residences at Pitampura and Keshav Puram etc. It was further stated that the Petitioner Nos. 2 and 3 have commercial premises at Gupta Complex at Inderlok and Khari Baoli/Shradhanand Marg. Respondent No.2 was well settled in Australia

working in a multinational company. The requirement of Respondent Nos. 3 and 4 to start the business activity was also challenged.

4. In the reply to leave to defend application the Petitioners denied having let out the shop to a tenant two years ago or that they had any other shop which was let out on tenancy. It was stated that the first floor of the premises was residential and could not be used for commercial purpose. It was further denied that they had any commercial property at Khari Baoli/Shradhanand Marg or Gupta Complex at Inderlok.

5. The learned ARC vide the impugned order granted leave to defend for the reason that though it is stated that the property bearing No. 4030 and 4031, Naya Bazar are two different and distinct properties, the property No.4030 was residential, however, the telephone bills filed by the Petitioners in respect of property No.4030 were in the name of Kuldeep Sharma and Basant Kumar who were not Petitioners. Thus a doubt was cast on the site plan filed. Further the Petitioners admitted only having one shop towards the back portion and did not explain about the other tenants.

6. The only contention raised by the learned counsel for the Petitioners before this Court is that the properties as mentioned in the leave to defend application do not belong to the Petitioners and they are owners of only property No.4030 and 4031, Naya Bazar. The tenanted premises is situated in Property No.4030, Naya Bazar and further the tenanted property is lying locked since 30<sup>th</sup> June, 2003. As noted above in the eviction petition though it is claimed that Property No.4031 was residential in nature on the first floor and the second floor and had nothing to do with the property bearing No.4030, Naya Bazar, however, it is not stated that in whose possession the two properties are. Moreover, since the electricity bills are in the name of

two other persons Kuldeep Sharma and Basant Kumar, thus the veracity of the site plan as filed by the Petitioners is doubtful.

7. Consequently, I find no illegality in the impugned order. Petition and application are dismissed. However, since the eviction petition was filed in the year 2009, the learned ARC is requested to expedite the trial and concluded the same preferably within a period of eight months.

**(MUKTA GUPTA)**  
**JUDGE**

**APRIL 08, 2015**  
**‘vn’**