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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RC.REV. 412/2014

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Decided on: 6th April, 2015

CHANDER BHAN DASS

..... Petitioner

Through: Mr. R.S. Sharma, Advocate.

versus

SURENDER PAL SINGH

..... Respondent

Through: Mr. S.C. Singhal, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J (ORAL)

Caveat No. 1146/2014

Counsel for the Respondent/caveator enters appearance. Accordingly caveat stands discharged.

CM No.21207/2014 (Exemption)

Allowed, subject to all just exceptions.

RC.REV. 412/2014

1. The Petitioner prefers the present petition against the order dated 29th September, 2014 whereby leave to defend was granted to the respondent in an eviction petition under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 (in short 'the DRC Act') filed by the Petitioner.
2. The Petitioner Chander Bhan Dass filed an eviction petition stating that Surender Pal Singh was a tenant in one shop No.4569, Main Bazar, Paharganj, New Delhi on the ground floor including the built up portion of the first floor of the said shop at the Main Bazar, Pahar Ganj, New Delhi.

Chander Bhan Dass was the landlord/owner of the premises after grant of probate/letter of administration by the order of this Court by virtue of a Will of late Mahant Manohar Dass. According to Chander Bhan Dass he required the tenanted premises to meet out the expense of Sadhu Samaj Seva by starting the business of selling spiritual books and other allied stationery material at the tenanted premises as he was not having any other suitable, reasonable accommodation for his livelihood, as presently he was facing hardship for his survival and also for the survival of his family members. Hence he requires the tenanted premises for his bonafide need for the survival of himself and his family members and also for meeting out the expenditure of the Sadhu Samaj Seva as per the wishes of his Guru late Mahant Manohar Dass. Chander Bhan Dass stated that he had another accommodation at 5527, Shora Kothi, Paharganj, New Delhi which was occupied by various tenants and situated in the inner side of the locality and thus could not be used for commercial purpose.

3. In the leave to defend application Surender Pal Singh stated that late Mahant Manohar Dass left behind another property No. 5524-5531, Shora Kothi, Paharganj, New Delhi which consisted of ten shops and 22 rooms out of which four shops and eight rooms were in the possession of Chander Bhan Dass and were lying vacant. Chander Bhan Dass had filed another eviction petition against Ram Nath Sharma and got vacated one shop, two rooms, kitchen and bathroom which were also lying vacant and were in possession of Chander Bhan Dass. Chander Bhan Dass had issued notices to other tenants namely, Rahul Jain, Vinod Kumar and Akhil Jain for vacation of the tenanted premises. The Will executed by late Mahant Manohar Dass ordained Chander Bhan Dass that he will not sell, alienate or mortgage the

suit property but was entitled to receive the rent from the tenants and utilize the premises for the services of Sadhus of Kabir Panth and not for himself or for his dependant family members.

4. In view of the pleas of Surender Pal Singh with regard to availability of other commercial accommodation at property No.5524-5531, Shora Kothi, Pahar Ganj, New Delhi and as to the different pleas taken by Chander Bhan Dass in different eviction petitions stating different use, he wanted to put to the various commercial premises, the Court granted leave to defend.

5. The grounds on which the leave to defend have been granted, that is, availability of the other accommodation and as to which business Chander Bhan Dass wants to run cannot be said to be not triable issues. Further whether Chander Bhan Dass could use the said properties for his personal use or for Sadhu Samaj Seva is also an issue that is required to be considered. Hence I find no merit in the present petition.

6. Petition is dismissed.

(MUKTA GUPTA)
JUDGE

APRIL 06, 2015
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