

S-13, 15, 16, & 17.

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

+ **RSA 397/2014 and C.M. No.21054/2015**

QAISAR DAD KHAN Appellant
Through: Mr. S.H. Nizami, Advocate.
versus

SAYADA BEGUM Respondent
Through: Mr. Raman Kapur, Senior Advocate
along with Mr. Pramod Kashyap,
Mr.Ali Anwar, Mr. Aviral Tiwari &
Mr. Varun Kapur, Advocates.

+ **RSA 6/2015 and C.M. No.388/2015**

MOHD.SALIM Appellant
Through: Mr. Aftab Rasheed, Advocate.
versus

SAYADA BEGUM Respondent
Through: Mr. Raman Kapur, Senior Advocate
along with Mr. Pramod Kashyap,
Mr.Ali Anwar, Mr. Aviral Tiwari &
Mr. Varun Kapur, Advocates.

+ **RSA 120/2015 and C.M. No.5527/2015**

SAAD Appellant
Through: Ms. Shalini Kapoor & Ms. Kriti
Arora, Advocates.
versus

SAYADA BEGUM Respondent
Through: Mr. Raman Kapur, Senior Advocate
along with Mr. Pramod Kashyap,
Mr.Ali Anwar, Mr. Aviral Tiwari &
Mr. Varun Kapur, Advocates.

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+ **RSA 121/2015 and C.M. No.5529/2015**

MUJAHID-UL-ISLAM

..... Appellant

Through: Ms. Shalini Kapoor & Ms. Kriti Arora, Advocates.

versus

SAYADA BEGUM

..... Respondent

Through: Mr. Raman Kapur, Senior Advocate along with Mr. Pramod Kashyap, Mr. Ali Anwar, Mr. Aviral Tiwari & Mr. Varun Kapur, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

24.11.2015

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After some arguments, learned counsel for the respondent appearing in these appeals, who is also the landlady of the property of which the appellants herein are tenants in different portions, is agreeable to the impugned judgment & decree passed by the First Appellate Court and the Trial Court being set aside and the matters being remanded to the Trial Court for adjudication on merits after a trial.

I may observe that the only dispute that requires the matters to proceed to trial is whether the suit property is covered under the provisions of the Delhi Rent Control Act, 1958 (DRC Act) as it is not in dispute that the appellants are tenants of the respondent in different portions of the same property which is situated in village Ghonda, Chauhan Bangar. The defence of the appellants is that the said property is covered by the DRC Act.

Therefore, the several suits filed by the respondent are barred under Section 50 of the said Act.

Accordingly, the impugned judgment & decree of the First Appellate Court and the Trial Court in each of these appeals is set aside and the suits are remanded back to the Trial Court for determination of the said issue after a trial. Considering the fact that the issue is very narrow and has arisen in this set of appeals, and would obviously arise in several others pertaining to the same village, the Trial Court shall expedite the disposal of the suits. It is hoped that the Trial Court shall conclude the trial within three months of the matters being listed before it and shall render the judgment within six months. It shall be open to the parties to lead common evidence since the issue is the same in all the cases.

The parties shall appear before the Trial Court on 07.12.2015.

The Trial Court Record, in case the same has been received, be sent back forthwith.



VIPIN SANGHI, J

NOVEMBER 24, 2015

B.S. Rohella