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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RC.REV. 289/2015

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Decided on: 29th May, 2015

AVTAR KAUR

..... Petitioner

Through: Mr. Shesh Datt Sharma, Advocate.

versus

B K PRADHAN

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J (ORAL)

CM No.10723/2015 (Exemption)

Allowed, subject to all just exceptions.

RC.REV. 289/2015 and CM No. 10721/2015 (Stay)

1. Impugning the order dated 6th May, 2015 whereby the objections of the Petitioner Avtar Kaur in Execution Petition No.56/2014 were dismissed, the Petitioner prefers the present petition.
2. An eviction petition was filed by B.K. Pradhan against the Petitioner Smt. Avtar Kaur under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 (in short the 'DRC Act'). The learned ARC vide its order dated 28th July, 2012 granted leave to defend to Smt. Avtar Kaur. However, B.K. Pradhan challenged the order of the learned ARC dated 28th July, 2012 before this Court. Vide order dated 9th December, 2013 this Court in RC Rev. No.420/2012 set aside the order of learned ARC dated 28th July, 2012 and directed Smt. Avtar Kaur to vacate the tenanted premises within 12 months of the passing of the order and not to sub-let or create any third party

interest in the suit property. On 17th January, 2014 this Court also corrected the earlier order dated 9th December, 2013 only in respect of the number of the suit property mentioned therein. Aggrieved by the said order Smt. Avtar Kaur preferred a Special Leave Petition before the Supreme Court which was dismissed vide order dated 14th August, 2014.

3. B.K. Pradhan, the Respondent herein filed an Execution Petition wherein objections have been filed by Smt. Avtar Kaur. B.K. Pradhan has already received the possession of the tenanted premises in execution proceedings which were conducted by the Bailiff in the discharge of his official duties. The pleas taken by Smt. Avtar Kaur in the objections are that there was no land-lord tenant relationship and since the possession of the premises was taken without notice the same was contrary to law and has caused financial loss and mental agony to the tune of Rs.25 lakhs to Smt. Avtar Kaur. Vide the impugned order the learned Trial Court dismissed the objections with a cost of Rs.10,000/- out of which Rs.5,000/- has to be paid to the Decree Holder and Rs.5,000/- was to be paid to the Delhi Legal Services Authority, East.

4. Before this Court the only issue urged by learned counsel for Smt. Avtar Kaur is that in fact there was no direction to vacate the premises and this Court in RC Rev. No.420/2012 only set aside the order of the learned ARC granting leave to defend and thus the execution petition was not maintainable.

5. As noted above in Para-23 of the order dated 9th December, 2013 this Court granted 12 months time to Smt. Avtar Kaur to vacate the suit property and directed not to sub-let or create any third party interest in the same. Thus besides setting aside the order of the learned ARC, clear direction to

vacate the premises was given and the execution petition was maintainable pursuant whereto action has been taken by the learned ARC.

6. I find no infirmity in the impugned order. Petition and application are dismissed.

(MUKTA GUPTA)
JUDGE

MAY 29, 2015
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