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

+ CM(M) 196/2015

YASH PAL MEHTA Petitioner
Through Mr.Arun K. Chauhan &
Mr.M.S.Negi, Advocates
versus

KARTAR SINGH & ANR Respondents
Through Mr.S.C. Singhal, Advocate

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **02.08.2016**

1. By the present petition, the petitioner seeks to impugn the order dated 12.12.2014 passed by the Appellate Court.
2. The genesis of the dispute is that the petitioner claims to be a tenant of respondent No.1 regarding property bearing No.WZ-208, Nangal Raya, Village Delhi. There are three sets of litigations which were filed between the parties. The petitioner first filed a suit against respondent No.1 for permanent injunction to restrain the respondent from disturbing the peaceful possession of the petitioner in respect of the suit property. It is the case of the petitioner that the respondents were proceeded *ex-parte* and respondent No.1 was restrained from dispossessing the petitioner from the suit property without due procedure of law.

3. It is urged that respondent No.1 filed an eviction petition under Section 14(1)(b) of DRC Act against the petitioner and respondent No.2 on the ground of subletting. The same was withdrawn by respondent No.1 later on.

4. Subsequently, respondent No.1 has filed an eviction petition under Section 14(1)(e) read with Section 25B of DRC Act against the petitioner. Though it was the contention of respondent No.1 that respondent No.1 does not recognize the petitioner as a tenant, the eviction petition was allowed by order dated 24.07.2013. Respondent No.1 with the help of bailiff police and alleged *goondas* executed the decree dated 24.07.2013 passed in his favour and has taken possession of the suit property.

5. Subsequently, the petitioner filed an application under Order XXXIX Rule 2-A CPC read with Section 151 CPC in his suit to restore the possession of the petitioner in the suit property. The trial court vide order dated 29.10.2014 directed respondent No.1 to restore the possession of the petitioner in the suit property.

6. Against the said order dated 29.10.2014, respondent No.1 has filed an appeal being MAC No.14/2014 before the learned Senior Civil Judge-Cum-RC, New Delhi and the court vide impugned order dated 12.12.2014 allowed the appeal and set aside the order of the Civil Court dated 29.10.2014.

7. The only the submission made by the learned counsel for the petitioner to impugn the said order is that the civil suit filed by the petitioner and two eviction petitions filed by respondent No.1 were filed in West District. In fact, the order under XXXIX Rule 2-A CPC against which the CM(M) 196/2015

appeal was filed by respondent No. 1 was also passed by the concerned Civil Court in West District. Despite the said position, the appeal has been filed by respondent No.1 before Senior Civil Judge-Cum-RC, New Delhi. He submits that the impugned order passed by the Senior Civil Judge dated 12.12.2014, New Delhi is clearly without jurisdiction and is erroneous as the appropriate court in West District only would have jurisdiction.

8. The learned counsel appearing for respondent No.1 has today placed on record a Notification issued by the Govt. of NCT of Delhi dated 11.09.2012 pointing out that by the said Notification the National Capital Territory of Delhi was bifurcated into 11 Districts/Sessions Divisions. He also points out that Village Nagal Raya, Delhi where the suit property is situated now forms part of New Delhi District and all the proceedings necessarily have to be heard by the concerned Court having territorial jurisdiction in the New Delhi District. He further submits that in view of this, the Senior Civil Judge, New Delhi District would be the appropriate court to hear the appeal against the order passed in application under Order XXXIX Rule 2-A CPC by the trial court in the suit filed by the petitioner.

9. The learned counsel appearing for the petitioner in rejoinder has admitted that after bifurcation of Delhi into 11 Districts/Sessions Divisions, the Village Nagal Raya, Delhi is now forming part of New Delhi District. However, he submits that the impugned order was passed by the concerned Senior Civil Judge of the West Delhi District and the present appeal also has to be filed before the concerned Court in West District.

10. In my opinion, there is no merit in the contention of the petitioner. Now, Village Nagal Raya, Delhi where the suit property is situated forms

part of New Delhi District. The learned counsel for the petitioner has not been able to show any notification whereby the concerned court in West Delhi would be the competent court. In any case, these are the procedural matters which cannot needlessly delay the proceedings.

11. There is no merit in the petition and the same is dismissed.

JAYANT NATH, J.

AUGUST 02, 2016/v