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

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RC.REV. 127/2016

URMILA THAKUR

..... Petitioner

Through Counsel for the petitioner (appearance  
not given.)

versus

DEVA RAM

..... Respondent

Through Nemo.

**CORAM:**

**HON'BLE MS. JUSTICE INDERMEET KAUR**

**ORDER**

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**23.02.2016**

**C.M. No.6676/2016 (Exemption)**

Exemption is allowed subject to all just exceptions.

Application disposed of.

**RC.REV. 127/2016 & C.M. No.6675/2016**

The petitioner before this Court is the landlord. Leave to defend had been granted to the tenant and rightly so. The Trial Court had noted the alternate properties which were available with the landlord details of which find mention in para 4 of the impugned order.

Relevant would it be to note that the suit property has been described as IX/2399, Gali No. 14, Kailash Nagar, Delhi measuring 9.11' X 11.6". A candid query has been put to the learned counsel for the petitioner that properties No. (i) & (ii) are available as alternates; they are also located in the same lane i.e. Gali No. IX; their numbers only are different; on bearing No. 1822 and other bearing No. 2201. Submission on this count being that these properties are not alternate properties as

they are situated in Gali and they are both residential properties. This submission is negated by the contention made in the eviction itself as the suit property (for which eviction has been sought) is described as house NO. IX/2399 which is also a residential area; this is also located in a Gali. The properties at serial No. (v) to (vii) which are properties bearing No. IX/2888, IX/2201 and IX/2026 are also the other alternate properties available to the landlord and on a specific query has been put to the learned counsel for the petitioner, he has no answer as to why they cannot, at this stage, be presumed to be alternate accommodation available to the landlord.

The impugned order, in this background, granting leave to defend to the tenant suffers from no infirmity. Petition is without any merit. Dismissed with costs quantified at Rs.10,000/-.

**INDERMEET KAUR, J**

**FEBRUARY 23, 2016**

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