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

+ RC.REV. 331/2016

RAJ KUMAR MADAN Petitioner

versus

HEMA BHAGIA Respondent

AND

+ RC.REV. 334/2016

KIRAN DHINGRA Petitioner

versus

HEMA BHAGIA Respondent

Present: Mr.Madan Lal Sharma, Ms.Nidhi Sharma & Mr. Varun Nishcal, Advocates for the petitioners in all cases.
Mr.Lalit Valecha & Mr. Varun Mathur, Advocates for the respondents in all cases.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **12.07.2016**

The learned counsel appearing for the petitioner submits that the impugned order of eviction dated 28.04.2016 is misconceived inasmuch as it is wholly contrary to the Section 14-D of the Delhi Rent Control Act, 1958 (*in short 'DRC Act'*). He submits that Section 14-D of the DRC Act is applicable only where the landlord is a widow and the premises have been let out by her or by her husband. He relies upon the judgment of the Supreme Court in the case of *Nathi Devi v. Radha Devi Gupta, (2005) 2 SCC 271*. He also relies upon the petition filed by the respondent to contend that the essential ingredients of Section 14-D of the DRC Act are not present in the present case. He further submits that this plea was raised before the

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learned trial court but the impugned order does not deal with the said submission of the petitioner.

I have heard the learned counsel for the parties for some time.

It was put to the learned counsel for the petitioner that the petition in the headline states that it is under Section 14(1)(e) read with Section 14-D, read with Section 25-B of the DRC Act and hence the argument that the impugned order is only under Section 14-D may not be *prima facie* correct conclusion.

The learned counsel for the respondent has entered appearance. However, he submits that no such submission as now made by the petitioner were made before the learned trial court and this plea is being raised before this Court for the first time. The learned counsel for the petitioner has on the other hand strongly stated that this plea was raised and was not dealt with by the learned trial court.

A perusal of the impugned order will show that the same does not refer to any such contention being raised as is now contended by the petitioner.

Given the contention of the learned counsel for the petitioner it would be appropriate that the petitioner files a review petition before the concerned court to agitate the said contentions.

With these observations, giving liberty to the petitioner to file a review petition before the learned trial court, the petition is disposed of. If a petition is to be filed by the petitioner, it may be done within one week from today.

It would also be open to the petitioner to make an application for stay before the concerned court and if the same is filed, it may be dealt with by

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the concerned court accordingly.

A copy of this order be given *dasti* under the signature of the court master to the parties.

walt

JAYANT NATH, J.

JULY 12, 2016/v