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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1330/2013 & C.M. No.19771/2013

SMT GEETA

..... Petitioner

Through: Mr. S.K. Sharma, Advocate.

versus

SH AMARNATH

..... Respondent

Through: Mr. Ayush Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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24.08.2016

1. By the present petition, the petitioner seeks to impugn the order dated 14.12.2011 passed by the learned ARC and also the appellate court's order dated 27.7.2013 passed by the District-cum-Sessions Judge.

2. The respondent/landlord had filed an eviction petition under Section 14 (1) (a) of the DRC Act against the petitioner regarding rented premises bearing No.18/365, Trilok Puri, New Delhi. The ARC passed the order dated 4.6.2012 under of Section 14 (1) (a) of the DRC Act and eviction order in respect of the tenanted premises was passed. In the appeal, one of the contentions raised by the petitioner/appellant was that the DRC Act is not applicable to the premises in question as the area has not been notified in the Schedule to the DRC Act. The appellate court noted that no such contention had been raised before the ARC. Further even before the appellate court, no documentary evidence has been placed on record by the

appellant/petitioner to show that the DRC Act is not applicable to the said property. The appellate court held that the plea appears to have been taken for the sake of argument only and the appeal was dismissed.

3. Today also, the only argument made by the learned counsel for the petitioner is that the property is situated in an area which is not covered by the Schedule of the DRC Act. He also submits that the objections have been filed against the execution and are likely to be adjudicated upon soon and hence this court may await the outcome of the objections filed before the executing court/ARC.

4. The contention of the petitioner is misplaced. There can be no reason to await the outcome of the objections filed by the petitioner. In fact, a perusal of the order sheet here reveals that on several dates, the petitioner has only been taking adjournments. This position is clear from the orders dated 11.12.2013, 13.2.2014, 20.8.2014, 27.1.2015 and 16.7.2015. In fact, cost of Rs.5,000/- was also imposed on 27.1.2015. Today again, adjournment is sought. It is not possible to adjourn the matters in this manner.

5. A perusal of the record shows that here again, no document has been placed on record to substantiate the contention of the petitioner that the property in question is not covered by the DRC Act.

6. The petition being only an attempt by the petitioner to somehow circumvent the order of the learned ARC and continue to retain possession, the same is dismissed.