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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 716/2015, C.M. No.14139/2015 & C.M. No.18827/2015
MANMEET SINGH

..... Petitioner

Through Mr.R.K.Hooda, Advocate.

versus

SANGEETA MEHTA

..... Respondent

Through Mr.Pushpendra Shukla, Advocate.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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08.02.2016

Order impugned before this Court is the order dated 03.6.2015 which is an order passed by the Appellate Court endorsing the order passed by the Trial Judge/the order of the ARC vide which the application filed by the petitioner in a pending eviction petition under Section 14(1)(a) of the DRCA (objections to which were filed under Order 7 R. 11 CPC) had been dismissed.

The Court had noted the correct proposition of law and had in fact extracted the extract of Order 7 Rule 11 CPC in the impugned order. It was noted that a co-owner can also issue a notice in terms of Section 106 of the Transfer of Property Act. It had noted that the notice terminating the tenancy of the tenant/petitioner before this Court had been served. The petition was not under-valued; it disclosed a cause of action; it was not barred by law. All these prime facie findings had been arrived at after noting the contents and

averments made in the petition/plaint. The Court had rightly noted that it was only the averments which are made in the plaint which have to be seen at the time of dealing with an application under Order VII Rule 11 CPC. The defence raised by the defendant cannot be gone into.

A specific query has been put to the learned counsel for the petitioner on this score to which he has no answer. The eviction petition filed under Section 14(1)(a) of the DRCA is also not a part of the record. Counsel for the respondent has also not been able to assist this Court. This Court has proceeded without any assistance from the lawyers who are standing before this Court. It is a deplorable state of affairs. This Court also notes that adjournments have been taken by the respective parties since 07.8.2015 for no reason whatsoever. These kinds of petitions are filling up the dockets of the Court. This petition is an abuse of the process of the Court. Even otherwise there are two concurrent findings of fact by the two Courts below. This petition is accordingly dismissed with costs quantified at Rs.20,000/-.

INDERMEET KAUR, J

FEBRUARY 08, 2016
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