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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 740/2015**
M K BHARGAVA

..... Petitioner

Through Mr.S.C. Singhal, Adv.

versus

SUKHDEV RAJ ARORA (SINCE DECEASED) THR LRS

..... Respondent

Through Mr Ravi Gupta, Sr. Adv. with
Mr.P.K. Rawal, Mr. Sachin Jain and
Ms. Bhokika Verma, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **03.03.2016**

The petitioner is aggrieved by the order dated 04.07.2015 vide which on an application filed by the respondent under Section 151 of the Code of Civil Procedure (CPC), the proceedings under Section 14 (1)(a) of the Delhi Rent Control Act (DRCA) had been stayed. The contention before the Trial Court was that the company M/s Yorco Sales Pvt. Ltd. which was a company of Sukhdev Raj Arora and his family members had filed a suit for specific performance qua an agreement to sell in their favour against M.K. Bhargava and till that suit is decided, the proceedings under Section 14 (1)(a) of the DRCA be stayed. This submission found favour with the Trial Judge who had stayed the proceedings under Section 14 (1)(a) of the DRCA.

This Court is in agreement with the submission made by the learned counsel for the petitioner that this order is wholly illegal. A

petition under Section 14 (1)(a) of the DRCA would only decide the relationship of landlord-tenant between the parties and whether the landlord is entitled to a decree of eviction qua his tenant which in this case was admittedly M.K. Bhargava for non-payment of rent. M.K. Bhargava is a person distinct from the company M/s Yorco Sales Pvt. Ltd.. Admittedly M/s Yorco Sales Pvt. Ltd. had filed a suit for specific performance. There is no gainsaying to the settled legal proposition that a company is a persona and entity of his own. Even presuming Sukhdev Raj Arora was a Director of the company, he cannot be the 'company' himself. The suit filed by the company against M.K. Bhargava is distinct. The pending proceedings were proceedings pending between Sukhdev Raj Arora and M.K. Bhargava in which company is not a party.

Impugned order is accordingly set aside. The proceedings under Section 14 (1)(a) of the DRCA shall continue. Petition disposed of.

INDERMEET KAUR, J

MARCH 03, 2016

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