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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 809/2015

MOHAN LAL SETH CHARITABLE TRUST

..... Petitioner

Through Mr. B.R. Sharma, Adv.

versus

M/S EMSON

..... Respondent

Through Mr. Deepak Gupta and Mr. Vaibhav
Arora, Advs.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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23.02.2016

Order impugned before this Court is the order dated 06.06.2015 passed by the Additional District Judge endorsing the finding returned by the Civil Judge wherein the preliminary issue i.e. on the bar of Section 50 of the Delhi Rent Control Act (DRCA) had been decided and it was held that the suit was barred. The Appellate Court by the impugned order had endorsed this finding.

Learned counsel for the respondent at the first instance submits that since the suit was dismissed by the first Court and thereafter the appeal against that order also stood dismissed, a second appeal would lie in the form of Regular Second Appeal (RSA) and not a petition under Article 226 of the Constitution of India. Learned counsel for the petitioner also does not dispute this position.

This petition is dismissed as withdrawn with liberty granted to the petitioner to approach the appropriate forum.

INDERMEET KAUR, J

FEBRUARY 23, 2016/A