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

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Pronounced on: 16.11.2017

+ **RC.REV. 27/2016 & CM No. 1866/2017**

SANDEEP JAIN

..... Petitioner

Through Mr.Prakash Sharma, Advocate

versus

ARJUN UPPAL & ANR.

..... Respondent

Through Mr. Nikhil Singhvi, Mr. Nakul, Mr. Aubert Sebastian and Ms. Nikita Pandey, Advocates.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J.

1. This revision petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as the 'DRC Act') seeking to impugn the eviction order dated 31.08.2015 passed by the Additional Rent Controller (hereinafter referred to as 'the ARC').

2. Respondent/landlord had filed an eviction petition under section 14(1)(e) of the DRC Act for property being No. 1645, Shyama Prasad, Mukherjee Marg, Delhi-110006. The tenancy is said to have been created vide Lease deed dated 11.2.1992. The rent paid by the petitioner is said stated to be Rs.158.36 per month. The respondents are joint owners of the property. It is urged that the respondent No.2 is a hotelier and is running a hotel under the name and style of M/s.New Royal Hotel from the first and upward floors of the property in question. The Eviction Petition has filed for

the bona fide need of respondent No.1 who who has decided to open a plush restaurant for which he has got a project report prepared. It is urged that there are about 50 hotels in the vicinity of the tenanted property but there is no posh restaurant in the area. The respondent is said to require an area of approximately 5000 sq.ft. to open his restaurant and hence requires the entire ground floor portion to complete his project. Respondent No.1 is said to have sufficient knowledge and experience of working at the family hotel business since he has returned from Australia.

3. The facts and issues raised in the present petition are identical to the facts and issues in RC.REV. 116/2016 titled as *M/s Seth & Sons Private Limited vs. Arjun Uppal & Anr.* The said RC.REV. 116/2016 pertains to a property bearing no. 1647, Shyama Prasad, Mukherjee Marg, Delhi-110006, which is adjacent to the property in question in the present petition. Both the petitions have a common respondent. The contentions raised by the petitioner are also virtually identical to the contention raised by the petitioner in the above noted Revision Petition. This fact of similiarity of the facts and issues with RC.REV. 116/2016 was admitted by learned counsel for the petitioner when this matter was listed.

4. By order passed on the said Revision Petition has been dismissed. For the same reasons and grounds, this petition is also dismissed.

All pending applications also stand dismissed.

(JAYANT NATH)
JUDGE

NOVEMBER 16, 2017/v