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

+ CM(M) 569/2001

DHANANDER KUMAR JAIN

..... Petitioner

Through Mr.Aseem Malhotra and Mr.Anshom
Jain, Advs.

versus

M.C.D.

..... Respondent

Through Ms.Mini Pushkarna, Standing
Counsel with Ms.Swagata Bhuyan,
Ms.Latika Malhotra and
Ms.Khushboo Nahar, Advs. for North
DMC

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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14.02.2020

Rev. Pet. No.300/2018

1. This review petition is filed seeking to review the order of this court dated 11.10.2017.
2. The learned counsel for the petitioner points out that against the said order an SLP was filed in the Supreme Court. The said SLP was dismissed as withdrawn with liberty to file the present review petition.
3. I have heard the learned counsel for the parties.
4. Learned counsel for the petitioner has stressed that this court has over looked the fact that as per the eviction order passed by the learned ARC on 11.05.2000 there were arrears of rent payable by the respondent subsequent to March, 1988. He submits that this aspect is completely ignored by the Appellate Tribunal which passed the order dated 09.08.2001 and this aspect is also over looked by this court which passed the said order dated 11.10.2017.

5. I may only note that the eviction petition was filed by the petitioner stating that rent for the months of December, 1987, January and February, 1988 has fallen due. Based on this eviction petition was filed. Admittedly, this eviction petition was never amended to add the alleged default of payment of rents subsequent to the filing of the eviction petition.

6. I may note that the respondents have filed the counter affidavit which clearly states that rents have been paid upto date. I have also been taken through the evidence of RW1 Ms.Kant Kumar, AEO, City Zone, MCD who had appeared for the respondent. The said RW1 has categorically stated that the rents after March, 1988 have continuously been deposited by the respondents by way of several petitions assigned to different courts. There is no cross-examination of RW1 on this statement made.

7. Hence, it is not possible to accept the version of the petitioner that there is an error on the face of the record by the rent controller by ignoring the alleged default in making payment of rent which took place subsequent to the filing of the eviction petition.

8. At this stage, learned counsel for the respondent also points out that the petitioner has already filed an eviction petition for the alleged default in paying rent for the subsequent period.

9. In my opinion, the issue would have to be gone into in the fresh eviction petition.

10. There is no error apparent on the face of record. The review petition is dismissed.

JAYANT NATH, J.

FEBRUARY 14, 2020/v