

\$~33

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

+ **RC.REV. 388/2017**

ANITA JAIN

..... Petitioner

Through: Mr. Rajshekhar Rao and Ms. Gauri
Puri, Advs.

Versus

SURINDER GUPTA

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **25.08.2017**

CM No.30417/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

RC.REV. 388/2017 & CMs No.30418/2017 (for stay) & 30419/2017 (for condonation of 20 days delay in re-filing)

3. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 8th May, 2017 in E-134/16 (New No.480837/16) of the Court of Additional Rent Controller (ARC)-2 (Central), Tis Hazari Courts, Delhi] granting leave to the respondent to defend the petition for eviction under Section 14(1)(e) of the Act filed by the petitioner.

4. The pleaded requirement of the premises in the tenancy of the respondent is for running a tuition centre. The learned ARC, in the

impugned order, has reasoned that no educational qualifications of the petitioner or anything to show that she is capable of or carrying on tuition activity at her residence as is claimed, has been put forward.

5. The counsel for the petitioner has argued that the petitioner, in the petition for eviction, pleaded income from tuition and also filed the Income Tax Returns (ITRs).

6. Though copies of the ITRs have not been filed with the paper book but the counsel for the petitioner has shown the same in the Court and which merely reflect an income and therefrom it cannot be known whether the income is from imparting tuition or not.

7. The counsel for the petitioner, on enquiry, under instructions from the husband of the petitioner, present in Court, states that the petitioner, though is a graduate from Punjab University, has never been formally employed as a teacher.

8. In this view of the matter, no ground for interference with the order granting leave to defend is made out.

9. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J.

AUGUST 25, 2017

bs