

S-7&8

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

+ RC.REV. 354/2017 & CM No.27435/2017 (for stay)

RAJIV GUPTA

..... Petitioner

Through: Mr. Rahul Gupta, Ms. Ira Gupta and
Mr. Gaurav Singh, Advs.

Versus

KARTAR SINGH & ORS

..... Respondents

Through: None.

AND

+ RC.REV. 355/2017 & CM No.27441/2017 (for stay)

RAJIV GUPTA

..... Petitioner

Through: Mr. Rahul Gupta, Ms. Ira Gupta and
Mr. Gaurav Singh, Advs.

Versus

INDER PAL SINGH & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

11.10.2017

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1. This order is in continuation of the earlier order dated 2nd August, 2017.

2. The counsel for the petitioner has since filed additional documents. The counsel for the petitioner has been heard further.

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3. A perusal of the impugned order shows the learned Additional Rent Controller (ARC) to have granted leave to the respondents to defend the petitions for eviction under Section 14(1)(e) of the Delhi Rent Control Act, 1958 filed by the petitioner on the grounds of (i) letting out by the petitioner of the big hall on the ground floor of the property vide lease deed dated 1st December, 2008 inspite of the petitioner at that time also carrying on the same business of real estate, for fulfilling the requirement wherefor eviction of the respondents has been sought; (ii) there being some ambiguity about the portion let out vide lease deed dated 1st December, 2008 i.e. whether it included the mezzanine also; (iii) by expressing a doubt with respect to the partition claimed by the petitioner amongst himself, his mother and father and on the basis whereof other portions of the property were stated to be not available to the petitioner; (iv) the availability of the basement to the petitioner; (v) it being required to be determined by examining the state of mind of the petitioner whether the petitioner, required the premises in the tenancy of the respondents.

4. It is thus not as if the ARC has granted leave to defend only on one ground as was contended on 2nd August, 2017. The Trial Court has given several grounds.

5. The counsel for the petitioner has by taking me through the documents sought to find faults with each of the aforesaid reasons given by the Trial Court.

6. However having considered the matter, I am not inclined to interfere with the order save for making the disposal of the petitions for eviction time

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bound. In view thereof, reasons for declining the relief of setting aside of the impugned orders are not being given.

7. The petitions are disposed of with a direction to the ARC (South), Saket Courts, New Delhi before whom the petitions for eviction are pending, to decide the petitions for eviction positively on or before 30th September, 2018.

No costs.

OCTOBER 11, 2017
bs..

RAJIV SAHAI ENDLAW, J.