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

Decided on: 8th December, 2017

+ RC REV. 557/2017 and CM 44324-44327/2017

RAVINDRA KUMAR SINGH

..... Petitioner

Through: Mr. D.S. Mishra, Advocate with
Petitioner in person.

versus

NISHA DHAWAN & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On the eviction petition (E. No.382/2016) instituted by the respondents on the ground of *bonafide* need under Section 14(1)(e) of the Delhi Rent Control Act, 1958, the petitioner having been served with the special summons, his application for leave to defend under Section 25-B has been dismissed and an eviction order passed against him by the Additional Rent Controller by order dated 22.07.2017 in respect of tenanted premises described as one room measuring 11.6 ft. x 11 ft. along with open terrace situated at second floor of property No.134, Bhai Parmanand Colony, Delhi-110009.
2. The revision petition at hand challenges the said eviction order.
3. The learned counsel for the petitioner has been heard and the record perused.

4. It is not disputed that the petitioner is in occupation of the subject premises in the capacity of a tenant. It was admitted by the petitioner that he was inducted as a tenant in the premises by the husband of the first respondent, who has since died and has been succeeded by the respondents. Though the petitioner raises an issue about the ownership of the respondents qua the suit property, he is unable to show any material to substantiate the same. In the face of document in the nature of Conveyance Deed dated 11.03.2016 executed by Delhi Development Authority (DDA) in favour of the first respondent confirming her title to the subject property, the question of ownership raised by the petitioner is not only devoid of substance but wholly frivolous.

5. The respondents had submitted in their eviction petition that the subject property consists of construction at three floors, the demised premises in the possession and use of the petitioner being the one on the top floor. The respondents had submitted site plan (copy at page 118 of the paper book) depicting the layout of accommodation at various floors. The petitioner had raised the plea that the said site plan does not correctly show the available accommodation. He submitted another site plan (page 218 of the paper book) which, it appears, escaped the notice of the Rent Controller. But then, a comparison of the said two site plans reveals that the contentions raised by the petitioner in the application seeking leave to defend are unfounded. The site plan submitted by him wrongly describes even the passage on the ground floor as a room. It is clear that the accommodation at the ground floor primarily consists of one drawing room, one large room

and one small room, besides facilities in the nature of kitchen, bath and WC, the entire first floor accommodation being in the possession and use of the other tenants.

6. The need on the basis of which eviction order was sought by the respondents relates to the residential purposes of the family that consists of two daughters who have come of age, besides one minor child, the first respondent also pleading the need for a separate guest room for her mother who would often visit. The landlady has explained that her daughters, having turned major, require separate rooms, particularly for studies. There is nothing in the application for leave to defend moved by the petitioner from which it could be inferred that the said need is not *bona fide*.

7. Thus, the revision petition is found devoid of merit. The learned Additional Rent Controller has taken an appropriate view to decline opportunity to the petitioner to contest. No triable issues having been raised, the eviction order has been passed in accordance with law and calls for no interference by this court.

8. The petition and the applications filed therewith are dismissed in *limine*.

R.K.GAUBA, J.

DECEMBER 08, 2017

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