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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 529/2017 & CM No. 41917/2017 (stay) &
CM No. 41919/2017 (for condonation of delay in re-filing)

SUJIT

..... Petitioner

Through: Ms. Rashmu Sharma, Advocate
Versus

RUKMANI DEVI

..... Respondent

Through: Mr. Rajesh Yadav and Ms. Ruchira,
Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.11.2017

CM No. 41918/2017 (Exemption)

1. Allowed, subject to just exceptions.
2. Application stands disposed of.

RC.REV. 529/2017

3. This Rent Control Revision Petition under Section 25-B (8) of the Delhi Rent Control Act, 1958 impugns the order [dated 16th March, 2017 in RC No. 5759/2016 of the Court of Rent Controller, Patiala House Courts, New Delhi] of dismissal of the application filed by the petitioner for leave to defend the petition for eviction under Section 14(1) (e) of the Act filed by the respondent and the consequent order of eviction of the petitioner from one room on the ground floor with a front verandah at property no. WZ-549A, Naraina Village, New Delhi.

4. Counsel for the respondent appears and states that a caveat had been filed. The caveat is, however, not on record.
5. Counsel for the petitioner has been heard and the copies of the trial court record annexed to the petition have been perused. However, the need to detail herein the contents of the petition and the leave to defend is not felt inasmuch as the only argument of the counsel for the petitioner/tenant is that the title claimed by the respondent under the sale deed is under challenge in a civil suit filed by somebody else and there is also an order directing the respondent herein to maintain status-quo with respect to the property.
6. I have enquired from the counsel for the petitioner as to whom the petitioner has been paying rent of the premises in which the petitioner is admittedly a tenant.
7. Counsel for the petitioner states that the petitioner has been paying rent to the respondent but had started paying rent to the respondent without knowledge of the challenge to the title of the respondent in the said suit.
8. Merely because a third party has challenged the title of the landlord would not entitle the tenant to contend that the landlord is barred from invoking the grounds of eviction under the Rent Act. Supreme Court in *Shanti Sharma vs. Ved Prrabha* (1987) 4 SCC 193 held that the requirement of ownership under Section 14(1)(e) of the Act is not of absolute ownership but of merely something more than the tenant. The same view was reiterated subsequently also by the Supreme Court in *Swadesh Ranjan Sinha vs. Haradeb Banerjee* (1991) 4 SCC 572 and *Sheela vs. Firm Prahlad Rai Prem Prakash* (2002) 3 SCC 375. There is, thus no merit in the said contention.

9. Counsel for the petitioner has then contended that if the respondent recovers possession in pursuance to the eviction order passed against the petitioner, the same will be in violation of the order of status-quo in the civil suit filed by the third party.

10. It is the lookout of the plaintiff in that civil suit; if of the view that there is violation of the order of status-quo by the respondent, who is the defendant in the said suit, by recovery of possession from the petitioner, then it will be open to the plaintiff in that suit to take appropriate action.

11. Counsel for the respondent states that the respondent is in fact not even a defendant in the civil suit and it is the son of the respondent, who is the defendant in the civil suit. He further states that the sale deed in favour of the respondent is not even under challenge in the said civil suit.

12. Though the counsel for the petitioner controverts but as aforesaid, a tenant cannot stop the landlord from invoking the ground of eviction available under the Rent Act on such grounds.

13. No other argument has been made.

14. There is no merit in the petition.

15. Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 20, 2017

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