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

+ C.R.P. No.214/2017 & CM No.35257/2017 (for stay).

NAVIN CHAWLA

..... Petitioner

Through: Mr. Rajshekhar Rao and Mr. Sameer
Dawar, Advs.

versus

BRIJ BHUSHAN SHARAN (SINCE DECEASED)

THR LRS & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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25.09.2017

CM No.35258/2017 and CM No.35259/2017 (both for exemption).

1. Allowed, subject to just exceptions.
2. The applications stand disposed of.

C.R.P. No.214/2017 & CM No.35257/2017 (for stay).

3. This Revision Petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) impugns the order (dated 26th August, 2017 in CS No.5587/2016 of the Court of Additional District Judge-02, South District, Saket Courts, Delhi) of dismissal of the application filed by the petitioner / defendant under Order VII Rule 11 of the CPC.

4. The respondents / plaintiffs have instituted the suit from which this petition arises for recovery of possession of immovable property from the petitioner claiming (i) that the respondents / plaintiffs are the successor in interest of the lease granted by Maharaja of Jaipur of a larger property, of which the property subject matter of suit is a part; (ii) that the property of which possession is sought was sub leased to the petitioner / defendant; and,

(iii) that the said sub lease has been terminated and after termination of sub lease the respondents / plaintiffs are entitled to recover possession.

5. It is the case of the petitioner / defendant that on accession of erstwhile State of Jaipur to Government of India property became the property of the State of Rajasthan and with respect to which there was earlier litigation and the petitioner / defendant has acquired freehold rights in the land subject matter of his sub lease from the State of Rajasthan and the respondents / plaintiffs are thus not entitled to sue for possession from the petitioner.

6. I have asked the counsel for the petitioner, whether in the event of this petition failing, no evidence is required to be adduced on behalf of the petitioner / defendant and the petitioner / defendant would be willing to suffer a decree for possession forthwith.

7. The counsel for the petitioner states that if the petitioner fails in this petition, the petitioner would be ready to suffer a decree forthwith.

8. The counsel for the petitioner then states that he be permitted to obtain instructions in this regard.

9. List on 26th September, 2017.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 25, 2017

10. At this stage, the counsel for the petitioner has mentioned the matter and states that he withdraws this petition.

11. Dismissed as withdrawn.
12. The date of 26th September, 2017 is cancelled.

RAJIV SAHAI ENDLAW, J

SEPTEMBER 25, 2017
'pp'/gsr..

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