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

+ RC.REV. 465/2017

SANJAY

..... Petitioner

Through: Mr. Raj Pal Singh and Mr. Prem
Singh, Advs.

Versus

RAM NIWAS AGGARWAL

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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17.10.2017

Caveat No.902/2017

1. None appears for the caveator/respondent.
2. The caveat stands discharged.

CM No.37389/2017 (for exemption)

3. Allowed, subject to just exceptions.
4. The application is disposed of.

RC.REV. 465/2017 & CMs No.37387/2017 (for stay) & 37388/2017 (for condonation of delay of 59 days in filing)

5. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 30th March, 2017 in E No.25294/2016 of the Court of Additional Rent Controller (ARC) (West), Tis Hazari Courts, Delhi] dismissing the application of 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 shop No.6 in property No.2698, Shadipur, Main Bazar, New Delhi-110008.

6. The only argument of the counsel for the petitioner is (i) that Ram Chander Aggarwal and Ram Swaroop Aggarwal were the owners of the property in the tenancy of the petitioner and either of them used to issue rent receipts; (ii) that Ram Chander Aggarwal died and the rent receipts thereafter were issued by one of his heirs, Suresh Kumar and sometimes by Ram Swaroop Aggarwal; (iii) that Ram Swaroop Aggarwal has also died and after that the rent receipts are being issued to the petitioner by the respondent but on behalf of the heirs of Ram Chander Aggarwal and Ram Swaroop Aggarwal; and (iv) that all the legal representatives of Ram Chander Aggarwal and Ram Swaroop Aggarwal are necessary parties and were not impleaded.

7. It is the settled position in law that one of the co-owners is entitled to maintain a petition for eviction under Section 14(1)(e) of the Act. Reference, if any, required in this regard can be made to ***Kanta Goel Vs. B.P. Pathak*** (1977) 2 SCC 814, ***Pal Singh Vs. Sundar Singh*** (1989) 1 SCC 444, ***Dhannalal Vs. Kalawatibai*** (2002) 6 SCC 16, ***Indian Umbrella Manufacturing Co. Vs. Bhagabanei Aggarwalla*** (2004) 3 SCC 178 and ***Mohinder Prasad Jain Vs. Manohar Lal Jain*** (2006) 2 SCC 724. In view of the same, the aforesaid arguments do not entitle the petition to be entertained.

8. No other argument has been raised.

9. The petition is liable to be dismissed.

10. The counsel for the petitioner then seeks liberty to withdraw the petition.

11. Dismissed as withdrawn.

No costs.

RAJIV SAHAI ENDLAW, J.

OCTOBER 17, 2017

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