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IN THE HIGH COURT OF DELHI AT NEW DELHI

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C.R.P. 232/2017

CHANDER SHEKHAR BHARDWAJ

..... Petitioner

Through: None.

versus

MAJ. (RETD.) K R SURI (SINCE DECEASED) THR. LEGAL
HEIRS

..... Respondents

Through: Mr. Satyakam Saini, Advocate.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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22.11.2017

C.R.P. 232/2017 & CM No. 38671/2017

1. The revision petition at hand seeks to challenge the order dated 06.09.2017 by the Civil Judge-01, South, on the file of suit No.829848/2016 (old no.517/2014) whereby the application under Order VII Rule 11 of Code of Civil Procedure, 1908 (CPC) of the petitioner was dismissed.
2. It may be mentioned here that the petitioner herein is defendant in the civil suit instituted by the opposite party seeking his eviction on the ground that he is a tenant in the subject premises. The application seeking rejection of the plaint was filed on 12.10.2009 but pressed in 2017 primarily to seek rejection of the plaint on the ground the civil court does not have the jurisdiction to deal with the case in view of the bar under Section 50 of the Delhi Rent Control Act, 1958.

Though, the plaintiff seems to be relying on the documents indicating the initial induction of the petitioner as a tenant on rent of Rs.3300/-, it is the submission of the plaintiff that the area where the demised premises is situate does not fall within the area notified for purposes of Delhi Rent Control Act. It is on the basis of objections to the jurisdiction that the trial court has framed an issue which is also subject matter of trial. Taking note of the fact that the controversy is already subject matter of an issue under trial, the Civil Judge has dismissed the application.

3. The petition is found wholly devoid of substance. It is dismissed with costs of Rs.30,000/-.
4. The pending application also stands dismissed.

NOVEMBER 22, 2017

srb

R.K.GAUBA, J