

\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1282/2017
JAI BHAGWAN MALIK Petitioner

Through: Mr. Kali Charan, Adv.

Versus

SUMAN LATA @ LATA DEVI & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **14.11.2017**

1. This petition under Article 227 of the Constitution of India impugns the order [dated 15th July, 2017 in RCT No.19/2016 of the Rent Control Tribunal, District North-East, Karkardooma Courts, Delhi] of dismissal of an appeal preferred by the petitioner against the order [dated 29th August, 2016 in E No.8/2014 of the Court of Rent Controller, District North-East, Karkardooma Courts, Delhi] dismissing the application of the petitioner under Order I Rule 10 of the CPC for impleadment of Delhi Development Authority (DDA) as a party in a petition for eviction filed by the respondents under Section 14(1)(e) of the Delhi Rent Control Act, 1958.

2. Though in a petition for eviction under Section 14(1)(e) of the Act, the person filing the petition has to satisfy the requirement of being the owner of the premises with respect to which petition for eviction is filed but it has been held in *Shanti Sharma Vs. Ved Prabha* (1987) 4 SCC 193 and consistently followed in *Swadesh Ranjan Sinha Vs. Haradeb Banerjee* (1991) 4 SCC 572 and *Sheela Vs. Firm Prahlad Rai Prem Prakash* (2002) 3 SCC 375 that the requirement of ownership under Section 14(1)(e) of the

Act is not of absolute ownership but only of something more than a right as a tenant.

3. The presence of DDA, which the petitioner herein claims to be the owner, is thus not necessary. Even otherwise, the finding before the Rent Controller, which is Tribunal of limited jurisdiction, on an aspect of title is not a final finding binding on the Civil Court.

4. The counsel for the petitioner draws attention to the order dated 29th August, 2016 supra whereby the copy of the order was forwarded to the DDA for information.

5. The same would still not make DDA a necessary or proper party to the petition for eviction under Section 14(1)(e) of the Act.

6. There is no merit in the petition.

Dismissed.

No costs.

Dasti.

RAJIV SAHAI ENDLAW, J

NOVEMBER 14, 2017

‘gsr’..