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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM(M) 760/2018 and CM No.27195/2018**

MOHIT ARORA ..... Petitioner  
Through: Mr.S.C. Jha, Advocate

versus

M/S SHYAM LAL BEHARI LAL ..... Respondent  
Through

**CORAM:**  
**HON'BLE MS. JUSTICE ANU MALHOTRA**

**ORDER**  
% **13.07.2018**

Vide the present petition, the petitioner assails the impugned order dated 17.4.2018 of the learned ACJ/ARC (Central) Tis Hazari Courts, in DR No. 99772/2016 whereby an application under Order I Rule 10 read with Order VI Rule 17 and Order 22 Rule 3,4 and 10 and Rule 23 of the DRC Act was allowed and the application that had been filed seeking deposit of rent by the petitioner thereof submitting to the effect that there was a *bona fide* confusion between the landlord of the property i.e. whether M/s Om Oil and Oil Seed Exchange Ltd. was the owner or Sh. Rajender Prasad Arora was the owner as a consequence of which the said petition has been filed and objections were raised by Sh.Mohit Arora, i.e., the present petitioner submitting to the effect that his father had expired on 27.7.2015 and that his fact was within the knowledge of the petitioner and despite the same the plaintiff has not impleaded the LRs of deceased Rajender Arora qua which the legal representatives of the Rajender Arora were allowed to

be brought on record vide dated 17.4.2018 it having been observed to the effect that even if it was believed that despite the knowledge of the death of Rajender Arora, the petitioner had made the said Rajender Arora, apparently the father of the present petitioner, as a party to the case, the case was not liable to be dismissed due to the presence of the other respondent M/s Om Oil and Oil Seed Exchange Ltd..

It has been submitted by the learned counsel for the petitioner that the petitioner had purchased the property from Sachdeva Oil General Mills through its proprietor in the year 2008.

Without any observations on the merits or demerits of the case and taking into account the factum of the father of the petitioner herein Mohit Arora, as per the submissions made through the objections filed by the very same petitioner before the ARC in DR No.9972/2016 submitting to the effect that Rajender Prasad died in 2015 and the submission of the applicant/petitioner herein that the purchase of the premises in question was made by him in the year 2008, it is apparent that there is no infirmity in the impugned order dated 17.4.2018. Further more, it is essential to observe that the same is an interlocutory order. The petition and the accompanying application are thus declined.

A copy of the order be sent to the learned ACJ/ARC (Central) Tis Hazari Courts.

**ANU MALHOTRA, J**

**JULY 13, 2018/sv**