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

+ EX.F.A. 25/2018 & CM No.25017/2018 (for stay)

UMESH PODDAR Appellant
Through: Mr. Satish K. Sansi, Adv.

Versus

LACHI RAM & ORS Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

11.07.2018

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1. This Execution First Appeal impugns the order [dated 18th May, 2018 in Ex.No.97/2018 of the Court of Additional Rent Controller (West), Tis Hazari Courts, Delhi] of dismissal of objections filed by the appellant to the execution sought by respondent No.1 of the order [dated 14th December, 2017 in E No.26273/2016 of the Court of Additional Rent Control (West), Tis Hazari Courts, Delhi] on a petition filed by the respondent under Sections 14(1)(b) and 14(1)(k) of the Delhi Rent Control Act, 1958 of eviction of the respondents No.2&3 Tara Shah and Rajender Kumar.

2. The Execution First Appeal before this Court is totally misconceived. The objections to an order of eviction under the Rent Control Act have to be preferred under the Proviso to Section 25 thereof and against the order thereon, an appeal lies to the Rent Control Tribunal and an Execution First Appeal under the CPC does not lie.

3. The counsel for the appellant, though states that this appeal was not filed by him, but is still wanting to press the same.
4. Dismissed with costs of Rs.25,000/-, to be deposited by the appellant with the Delhi High Court Advocates Welfare Trust as a pre-condition for preferring an appeal to the Rent Control Tribunal.
5. A copy of this order be forwarded to the Court of the Additional Rent Controller (West), Tis Hazari Courts, Delhi as well as to the Court of the Rent Control Tribunal (West), Tis Hazari Courts, Delhi.

RAJIV SAHAI ENDLAW, J.

JULY 11, 2018

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