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

+ RC.REV. 536/2012 and CM APPL.18649/2012

VED PRAKASH & ANR Petitioner
Through: Mr. G.P. Thareja, Advocate

versus

URMILA JAIN & ORS Respondents
Through: Mr. Satya Prakash Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **08.03.2018**

The revision petition at hand sought to question the correctness, legality and propriety of order dated 11.07.2012 of the additional rent controller (ARC) in the case (eviction petition No.788/2006) instituted by Om Prakash Jain (since deceased), predecessor-in-interest of the respondents, on 29.11.2006 seeking an order of eviction under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 in respect of premises in the tenancy of the petitioners, the *bona fide* need, as per pleadings, being of the said petitioner Om Prakash Jain (since deceased) and of his wife Smt. Urmila Jain. The impugned order was passed upholding the case for eviction and, thus, granting such order against the petitioners herein.

It is admitted fact that the original petitioner *i.e.*, Om Prakash Jain had died on 20.09.2011 even during the pendency of the case before the ARC.

After the said order had been challenged by the present revision petition in this court, Smt. Urmila Jain wife of the said deceased original petitioner Om Prakash Jain also passed away on 27.12.2012.

Again this backdrop, the learned counsel for the respondents fairly concedes that the eviction order will not hold good since the persons for whose benefit the eviction was sought have passed away. The counsel, thus, submitted that he would concede to the setting aside of the order dated 11.07.2012 and instead the respondents be permitted to withdraw the eviction petition reserving their right to file a fresh case for eviction on new cause of action. The learned counsel for the petitioners fairly concedes to the above said request.

Thus, the impugned judgment of the learned ARC is set aside. The eviction petition on which the said order was passed stands dismissed as withdrawn. The respondent landlords have the liberty to take out such proceedings for appropriate relief as may be available to them under the law on fresh cause of action.

The petition and the application filed therewith stand disposed of in above terms.

R.K.GAUBA, J.

MARCH 08, 2018
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