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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 393/2018 & CM APPL. 32602/2018**
SALEEM AHMED Petitioner
Through Mr. Rajender Kumar, Mr. Giriraj
Rajora, Advs.

versus
SAVITRI @ SARBATI Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **14.08.2018**
CM APPL. 32602/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

RC.REV. 393/2018

Submissions made on behalf of the petitioner.

The petitioner assails the impugned order dated 31.05.2018 of the SCJ/RC (East), Karkardooma Courts, Delhi whereby the application under Section 14(1)(e) r/w Section 25-B of DRC, 1958 as amended seeking leave to defend filed on behalf of the petitioner as response to the said Eviction Petition RC/ARC No. 1238/2016. The petition filed by the landlady Smt. Savitri @ Surbati under Section 14(1)(e) r/w Section 25-B of DRC, 1958 as amended, was declined with time having been granted in terms of Section 14(7) DRC, 1958 vide the impugned order dated 31.05.2018 in terms thereof for a period for a period of six months w.e.f. 31.05.2018.

The petitioner submits through the contentions raised that the Eviction Petition was not filed of bonafide in as much as the contentions raised

by the respondent to the present petition i.e. the landlady were to the effect that the premises of H. No. 72, Main Road, Shakarpur Khas, Delhi -92, which is a shop on the ground floor and Tin Shed in front of the said shop, was required for her son Yogesh, aged 34 years for running the business of lighting, generator set etc in as much as they had no commercial accommodation to run the said business of the landlady and during the course of the submissions that have been made on behalf of the petitioner to the present petition, it has been submitted that the son of the landlady is running his business at Laxmi Nagar. ***Significantly, there is no such averment in the application seeking leave to defend that had been filed by the petitioner herein before the Rent Controller.***

Documents are now sought to be placed by the petitioner of the present petition in support of the said averments, which cannot now be allowed to be placed on record.

On a perusal of the submissions made in the Eviction Petition that had been filed by the landlady, there is nothing to indicate that the petition was not filed bonafide and apparently the copy of application for leave to defend placed on record filed by the present petitioner does not bring forth any triable issue.

There is no infirmity in the impugned order dated 31.05.2018 of the SCJ/RC (East), Karkardooma Courts, Delhi. The petition is declined.

ANU MALHOTRA, J

AUGUST 14, 2018/MK