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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1081/2018 & CM No. 37003/2018**

HARI SHANKER SINGHAL Petitioner
Through: Mr.S.K.Gupta, Advocate

versus

RAJU GUPTA Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **11.09.2018**
CM No. 37004/2018 (Exemption)

This is an application filed on behalf of the petitioner for exemption from filing certified copies of the annexures.

Exemption allowed, subject to just exceptions.

CM(M) 1081/2018

Vide the present petition, the petitioner assails the impugned order dated 27.7.2018 of the learned District & Sessions Judge, Head Quarters, in RCT No.21/18 whereby an appeal against the order impugned therein dated 15.1.2018 of the Additional Rent Controller (Central) in Eviction Petition No.769/14/10 bearing New Number 80468/16 filed by the petitioner herein as respondent to that petition seeking to bring on record subsequent events and developments in the eviction petition under Section 14(1)(e) of the Delhi Rent Control Act as amended, filed by the respondent to the present petition as petitioner of the eviction petition,- was dismissed.

A bare perusal of the order dated 15.1.2018 of the learned Additional Rent Controller in the Eviction Petition (New) No. 80468/16 indicates that the application that had been filed by the petitioner herein i.e. the respondent to the said petition to bring on record the subsequent events and developments related to allegations against the landlord of his having *mala fide* started demolishing/removing the walls of the below portion of the suit property without any prior notice or intimation to the respondent, i.e., the present petitioner as a consequence of which certain cracks in the walls of the rooms and floor of the house of the respondent occurred immediately. The order dated 15.1.2018 of the learned ARC-02 (Central) in the Eviction petition indicates further that the respondent to the said eviction petition, i.e., the present petitioner also filed a civil suit for injunction against the landlord and that the respondent, i.e., the present petitioner herein had also filed a police complaint with the concerned police station of PS Kotwali and pursuant thereto a Kalandara under Section 133-D Cr.P.C. 1973, was filed with the concerned SDM. Reliance was placed on behalf of the appellant on the verdict of the Hon'ble Supreme Court in ***Amarjeet vs. Khartoon Quamarain*** civil Appeal No. 3378/83 decided on 18.11.1986.

The aspect of bringing on record necessary and germane subsequent events during the pendency of the *lis* was not disputed vide the order dated 15.1.2018 of the ARC-02 Central. However, it was categorically observed vide the said order that for the purposes of the eviction petition, the submissions made in relation to the subsequent events sought to be brought on record were not at all

necessary nor relevant for decision of the eviction petition which aspect is undoubtedly correct in as much as the eviction petition had been filed by the landlord on the grounds of *bona fide* requirement which is to be disposed of and adjudicated as stipulated by the prescribed Court under Section 25B of the Delhi Rent Control Act, 1958.

On behalf of the petitioner, it has been contended that vide the impugned order, however, the aspect of the photograph showing the removal of walls and exact damage to the tenanted portion of the landlord was not taken into account vide the order dated 27.7.2018 of the learned Rent Controller, Head Quarters, i.e., apparently of the Central District, falling within the domain of the District Judge, Head Quarters, Delhi.

It is essential to observe that even though the said aspect is indicated to have been taken into account by the learned Rent Control Tribunal (Central), nevertheless, it has appropriately been observed to the effect that the eviction petition was one filed under Section 14(1)(e) of the Delhi Rent Control Act,(as amended) and subsequent events sought to be incorporated by the appellant were not relevant for adjudication of the petition and no question of law had been adjudicated before the learned Rent Control Tribunal(Central).

Apparently, on a perusal of the impugned order dated 27.7.2018 of the Rent Control Tribunal (Central), order dated 21.8.2018 of the Rent Control Tribunal (Central) and the order dated 15.1.2018 of the learned ARC in eviction petition now bearing new number 80468/16, it is apparent that the submissions made on behalf of the petitioner

herein seeking to incorporate on to record the subsequent events neither necessary nor germane for disposal of the petition under Section 14(1)(e) under Delhi Rent Control Act (as amended) by the landlord seeking eviction of the tenant from the tenanted premises on the ground of *bona fide* requirement which *de hors* the said issue required to be adjudicated cannot be taken into account.

A contention has been raised on behalf of the petitioner that whilst consideration of a petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958 (as amended), the *bona fides* or the *mala fides* of the landlord is essentially to be considered.

Undoubtedly, the said submission is correct. However in relation to the alleged demolition of the wall of the below portion of the tenanted premises, the same itself is an aspect in relation to which the petitioner herein had already sought a civil remedy and the same however can have no bearing in relation to the averments raised through the petition that had been filed by the landlord on the ground of *bona fide* requirement.

The petition CM(M) 1081/2018 being devoid of any merits and the accompanying applications are both declined.

ANU MALHOTRA, J

SEPTEMBER 11, 2018/SV