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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 421/2018 & CM APPL. 35472-35473/2018
SHEETAL DEVI Petitioner
Through Mr. K.G. Seth, Adv.

versus

MAN SINGH Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **31.08.2018**

CM APPL. 35473/2018 (exemption)

Exemption allowed subject to all just exceptions.

Application is disposed of.

RC.REV. 421/2018 & CM APPL. 35472/2018

Vide the present petition, the petitioner assails the impugned order dated 24.07.2018 of the learned Rent Controller, South District, Saket Courts, Delhi in RCARC No. 155/2017 vide which the respondent i.e. the petitioner herein was directed to be evacuated from the property in question in RCARC No. 155/2017 within the period prescribed under Section 14(7) of the DRC Act, 1958 as amended.

Through the present petition, the petitioner seeks to urge that the property in question forms part of an evacuee property and that the requisite procedure in law has not been followed and that it was only for the

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Government to auction the property after calling for a local tender and on such an option, it would be the highest bidder who deposited the bid money who would become the legal owner of the suit property.

It has also been submitted on behalf of the petitioner that the petitioner is in possession of the property since 1947 from the time of the partition of the country and has been in the suit property since long as there is no rent deed with the respondent, the alleged owner.

Reliance is also placed on behalf of the petitioner on the proceedings dated 18.07.2018 of this Court in CM(M) 797/2018 and CM APPL. 28078/2018 with reference to the observations to the effect that : -

“Significantly, it has been sought to be submitted during the course of submissions that have been made on behalf of the appellant that the petitioner of the eviction petition before the learned ARC i.e. the respondent to the present petition is not the owner of the premises in question qua which the eviction petition had been filed and that the petitioner of the present appeal is in adverse possession and that furthermore, there are no rent deeds that have also been executed between the petitioner who had filed eviction petition and the present petitioner i.e. the respondent to the eviction petition before the learned ARC. The said aspect would apparently essentially be taken up for consideration during the course of proceedings before the learned ARC. Significantly, the prayer made by the petitioner through the present petition is to the effect that the impugned order of the District & Sessions Judge, South i.e. the RCT (South) and the order dated 21.02.2018 of the ARC (South) be set aside and the respondent to the present petition i.e. the petitioner of the eviction petition be restrained from wrongfully asking for the eviction from the suit premises because he has no legal ownership document.”

It has been submitted on behalf of the petitioner that the petition as initially instituted on 06.10.2017 was titled as Man Singh Vs. Ram Wati whereas the impugned order dated 24.07.2018 is titled as Man Singh Vs. Sheetla Devi. Learned counsel for the petitioner himself during the course of the submissions made submits that the name of the respondent Ram Wati was changed to Sheetla Devi during the proceedings after permission granted in the proceedings in as much as the person in occupation of the premises in question was Sheetla Devi i.e. the present petitioner. The said contentions thus raised on behalf of the petitioner that the eviction petition as instituted initially was one against Ram Wati and the present impugned order dated 24.07.2018 is against Sheetla Devi does not assist to aid the petitioner in her claim at all.

The other aspect which cannot be overlooked is that the impugned order dated 24.07.2018 itself indicates that the application of the applicant seeking leave to defend has already been dismissed vide order dated 16.05.2018.

In reply to a specific Court query it has been submitted on behalf of the petitioner that the said order dated 16.05.2018 was challenged before the Rent Control Tribunal and that the said challenge has also not been successful.

In the circumstances as the petition for eviction under Section 14(1)(e) of the DRC Act, 1958 as amended is to be dealt with in accordance with the procedure prescribed under Section 25B DRC Act, 1958 as amended, the present petition is devoid of merits and is thus dismissed.

A further submission is made on behalf of the petitioner that the petitioner be granted an opportunity to seek redressal in relation to her continuing in possession of the premises in question from the year 1947 submitting to the effect that the petitioner would be in adverse possession of the same as has also been contended vide para – 5 of the petition qua which aspect it is open to the petitioner to seek redressal in accordance with law.

The petition and its accompanying applications are dismissed.

ANU MALHOTRA, J

AUGUST 31, 2018/MK