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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 406/2018**

DALIP KUMAR Petitioner
Through: Mr.Lalit Dhamija, Advocate

versus

HARPARSAD GAUR Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **24.08.2018**

C.M. No. 34136/18 (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.

RC.REV. 406/2018 and CM No.34135/2018

Initial submissions have been made on behalf of the petitioner.

The petitioner assails the impugned order dated 20.2.2018 of the learned ACJ-CCJ-ARC (West) in Eviction Petition No. 25382/16 vide which an application filed by the applicant, ie., the petitioner herein as a respondent to the said eviction petition seeking grant of leave to defend was declined, it having been *inter alia* observed to the effect that there existed no triable issues and there was no doubt about the *bona fides* of the petitioner to the eviction petition as explained by the present petition seeking the tenanted premises in question i.e.,

the property No.3025, Ranjit Nagar, New Delhi-110008 as shown red in the site plan annexed with the petition.

On a perusal of the impugned order dated 20.2.2018 and on a perusal of the Eviction Petition filed before the learned ARC i.e., E 25382/16 and on a perusal of the application filed by the petitioner herein as the respondent to the said eviction petition seeking grant of leave to defend along with the affidavit filed of the tenant i.e., the present petitioner brings forth that there is absolutely no infirmity in the impugned order of the learned ARC directing the eviction of the respondent from the tenanted premises.

This is so in as much as the existence of relationship of landlord and the tenant between the petitioner herein and the respondent to the present petition i.e., the parties to the eviction petition is in no manner disputed. Further the averments in the eviction petition reflect to the effect that the petitioner thereof, the landlord is a retired official aged 70 years with a family comprising of a wife aged 65 years, a son and a daughter with both the children being married and the petitioner to the eviction petition was receiving pension of Rs.19,000/- per month, the son of the petitioner who was earlier working in a private concern but was jobless at that time as his service contract had expired and the petitioner wanted to start the business of grocery and confectionery items for the purpose of his livelihood as well as to support his family and also to take care of social needs of his daughter, who visits him on festive occasions and no other alternative accommodation is available with the petitioner and that the tenanted shop is situated on the main road of 30 ft. width

which was suitable to start the said business.

Though during the course of submissions made today it was submitted by the learned counsel for the petitioner that the son of the petitioner was employed and actually working, it is essential to observe that there is not a whisper of an averment in the application filed by the respondent nor in the affidavit that was submitted during the course of the eviction proceedings to the effect that the son of the petitioner was not actually employed and jobless and thus as the petitioner, i.e., the landlord claimed that he needed the premises to start his business, and as there is nothing on record also to indicate any alternative accommodation being available to the landlord, in these circumstances, there is no merit in the petition, furthermore, significantly the contention raised in the present petition that the son of the respondent is a partner in a Real Estate/Builder firm by the name & style of Govind Group situated at site No.3, 201, Vikas Puri, New Delhi is nowhere mentioned in the affidavit seeking leave to defend.

The petition and the accompanying application CM No.34135/2018 are thus declined.

ANU MALHOTRA, J

AUGUST 24, 2018/sv