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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 473/2018**

ANANYA KAKKAR Petitioner
Through: Ms.Charu Ambwani, Advocate

versus

REENA Respondent
Through:

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **01.10.2018**

CM No.40551/2018 (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.

R.C. REV.473/2018 AND CM No.40550/2018

Initial submissions have been made on behalf of the petitioner.

Vide the present petition, the petitioner assails the order dated 9.7.2018 of the learned ARC (East in RC Rev. 536/2018 whereby an eviction Petition has been allowed directing the eviction of the petitioner herein from the premises situated on top floor in property No.40-A, Old DDA Janta Flats, Chilla Village, Mayur Vihar Phase-1, Delhi-110091 as shown in red colour in the site plan with the direction that the landlord/ the respondent i.e., the petitioner to the suit, would not be entitled to obtain possession of the premises in question before the expiration of a period of six months from the date

of the impugned order in terms of Section 14(7) of the Delhi Rent Control Act (as amended).

A perusal of the impugned order itself indicates that it takes into account the order dated 5.4.2018 of this Court passed in RC.Rev. 295/2016 whereby an opportunity was granted to the petitioner herein to participate in the said Eviction Petition RC/ARC No.56/18 which order dated 9.7.2018 indicates also that the statement of the petitioner of the eviction petition had been recorded on oath, and that there had been no compliance of the order dated 5.4.2018 of this Court and as a consequence thereof the eviction order was made. It has been submitted on behalf of the petitioner that the order dated 5.4.2018 in RC.Rev.295/16 i.e. the order dated 5.4.2018 of this Court, was on the responsibility of the petitioner herein as the petitioner of RC Rev. 295/16 submitting to the effect that she would make payment of the arrears of rent and payment of future rent which undertaking was taken on record and accepted and as a consequence thereof the petitioner herein was granted an opportunity to contest the application seeking leave to defend in the said eviction petition with it having been directed however to the effect that the strict compliance of the undertaking made before this Court was complied with as a pre-condition for the petitioner therein who is the petitioner herein to participate in further proceedings before the learned ARC and it is this undertaking dated 5.4.2018 in R.C. Rev.295/2016 which is indicated to have been flouted by the petitioner herein who was the petitioner of the said revision petition.

In these circumstances, though it has been submitted on behalf

of the petitioner that she is not assailing the order dated 5.4.2018 in R.C. Rev.295/2016 in as much as it had not prejudiced the petitioner in as much as taking into account the factum that the order dated 9.7.2018 i.e. the impugned order in RC/ARC No.56/18 is only due to compliance of direction dated 5.4.2018 in RC.Rev.295/2016 and the impugned order dated 9.7.2018 of the learned ARC in RC/ARC No.56/18 cannot be held to be infirm in any manner. However, it would be open to the petitioner to seek redressal in whatever mode she seeks to exercise in accordance with law. The petition is thus declined.

ANU MALHOTRA, J

OCTOBER 01, 2018/sv