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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RC.REV. 9/2017

SACHIN MITTAL

..... Petitioner

Through: Mr. Rajendra Kumar, Advocate

versus

AMRITA RASTOGI

..... Respondent

Through: Mr. Ashok Chhaparia, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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12.03.2018

The eviction petition in the course of which the impugned order was passed by the Additional Rent Controller on 27.09.2016 pleads the case of the respondent on account of the bonafide need under Section 14(1)(e) of the Delhi Rent Control Act. In the eviction petition, the petitioner described himself to be the owner / landlord of the premises in question and the respondent as a tenant inducted long time back. He would not elaborate as to how he had become the owner of the subject property. The respondent moved an application for leave to contest in terms of Section 25B of Delhi Rent Control Act, 1958 which had been granted by the Additional Rent Controller by the order dated 27.09.2016 which is assailed by the petition at hand.

In the application for leave to contest, the respondent has taken

the position that the tenancy is in the name of her husband rather than in her name. She also contests the case of the petitioner as to his title to the subject property. Reliance was placed by the petitioner on certain rent receipts which are intended to show that the respondent had attorned in his favour as a tenant in the subject premises. Concededly, such receipts were not filed with the eviction petition. They were submitted with the reply to the application for leave to contest. The respondent contests such documents on the ground that they are forged and fabricated.

In the given facts and circumstances, the questions of fact arising cannot be answered without a trial.

In view of the above, the impugned order cannot be faulted. The petition is dismissed.

R.K.GAUBA, J

MARCH 12, 2018

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