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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 1314/2018

DEEPA GODHAWANI

..... Petitioner

Through : Mr.Pradeep Kumar, Adv.

versus

NIDHI BANSAL

..... Respondent

Through : None

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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03.12.2018

CM APPL. 45138/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1314/2018, CM APPL.45137/2018

This petition challenges the order dated 23rd August, 2018 whereby an application under Order 1 Rule 10 CPC filed by the petitioner was dismissed. The petitioner is the wife of one of the directors of M/s Spectrum Academy Pvt. Ltd. with whom the respondent has entered into Rent Agreement dated 29.01.2016. The learned counsel for the petitioner submits per clause 7 of the said agreement the premises was taken primarily for the residential need of husband of defendant No.1 and his family. Since the rent was not paid the landlord had filed a suit for possession against the tenant M/s Spectrum Academy Pvt. Ltd. The impugned order notes the defence

of defendants No.1 and 2 viz. the director and the Company is already struck off and it is only thereafter the wife of defendant no.1 moved an application under Order 1 Rule 10 CPC. Considering the agreement dated 29.01.2016 the learned ADJ has rightly noted she has no locus standie to be a party in this litigation, as such the order suffers from no infirmity and the petition is accordingly dismissed.

YOGESH KHANNA, J.

DECEMBER 03, 2018

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