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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 20/2018 & CM APPL. 2574-2575/2018**
S RAVINMDER PAL SINGH Petitioner
Through: Mr. Nikilesh R., Adv.

versus

KEWAL Respondent
Through: None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% **02.08.2018**
CM APPL. 2574/2018 (Condonation of Delay)

This is an application filed on behalf of the petitioner seeking condonation of 105 days delay in refiling the petition. After removal of objections, delay is condoned in the interest of justice.

RC.REV. 20/2018 & CM APPL. 2575/2018

Submissions have been made on behalf of the petitioner.

Vide the present petition, the petitioner assails the impugned order dated 29.07.2017 of the learned CCJ/ARC (West) THC in ARC No.25462/2016 filed by the respondent herein under Section 14 (1)(e) of the DRC Act, 1958 as amended which petition was allowed whereby the respondent to the said petition i.e. the petitioner herein was directed to be evicted from one shop no.7 forming part of the property bearing no. H/44, Rajouri Garden, New Delhi marked as P-1 by the Court in the course of proceedings dated 29.07.2017 for the purpose of identification.

At the outset, learned counsel for the petitioner has submitted that the petitioner has already been evicted from the said tenanted premises on the date 18.06.2018. It has been submitted on behalf of the petitioner through the present petition that there existed no bona fide requirement whatsoever of the respondent to the present petition to seek the tenanted premises for running of a business of the younger son Bhupender Singh in Delhi inasmuch as the younger son of the respondent to the present petition is running a grain business in Jhalandhar and that another son of the respondent also so runs a business at Jhalandhar and that there are licences of the Anaj Mandi also of Jhalandhar to indicate that the respondent to the present petition is well settled and seriously engaged in the business of foodgrains run by his younger son and the elder son of the respondent runs a business in the United Kingdom in the name of J & K Textiles Limited and the purpose of the petition having been filed by the respondent to the present petition i.e. the petitioner of the Eviction Petition was only to re-let the tenanted premises on higher rates of rent. *Inter alia* it has been submitted on behalf of the petitioner to the present petition that the site plan that was submitted by the respondent to the present petition during the course of Eviction Petition was also incorrect and that no triable issues have been considered by the learned ARC vide the impugned order.

As regards the contention that has been raised on behalf of the petitioner that because the son of the respondent to the present

petitioner runs a grain business at Jhalandhar, he cannot come to Delhi to commence to run his business of readymade garments in Delhi, the same is apparently a contention which cannot be accepted inasmuch as there can be no embargo put on any person for moving from one city to another to run a business for his livelihood. It is essential to observe that the averments made by the landlord in the Eviction Petition also relate to the extent of his requiring the tenanted premises for enhancing the financial needs of the family.

The proceedings of the learned ARC indicate that the detailed site plan was filed by the landlord for the purpose of identification of the property and taking the same into account, it is apparent that there is no infirmity in the impugned order dated 29.07.2017 of the learned ARC disallowing the prayer made by the respondent seeking any leave to defend in the instant case.

As regards the contention that was raised on behalf of the present petitioner during the course of the present proceedings and as submitted during the course of the Eviction Petition that the eviction of the present petitioner had been sought by the landlord only for the purpose of re-letting the premises on higher rates of rent, as rightly observed vide the impugned order, the present petitioner would not be remediless in the event of the landlord re-letting the premises in violation of the provisions of the DRC Act, 1958, as amended and can seek redressal in relation thereto. Taking the same into account, it is held that there is no infirmity in the impugned order dated 29.07.2017.

The petition and CM APPL. 2575/2018, which have both

become infructuous by the possession of the premises have been taken over by the respondent on 18.06.2018, are both declined on merits.

ANU MALHOTRA, J

AUGUST 02, 2018

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