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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on :- 11th January, 2018

+ RC.REV. 485/2015

NAZIR-UL-ISLAM & ORS

..... Petitioners

Through: Mr. V.K. Srivastava, Advocate

versus

YOGENDAR KUMAR & ORS

..... Respondents

Through: Mr. A.K. Srivastava, Advocate
with Mr. A.K. Shukla, Adv. &
Mr. R.B. Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. The petitioners had instituted a case (E-696/14/11) before the Rent Controller seeking an order of eviction on the ground of *bonafide* need under Section 14 (1) (e) of Delhi Rent Control Act, 1958 in respect of non-residential premises described as two shops and a gate in between with terrace above besides open piece of land behind the said shops in property bearing Municipal No. 2875, Bahadur Garh Road, Teliwara Chowk inside Market Sarai Hafiz Banna, Sadar Bazar, Delhi. It has been the petitioners' own case that the premises was originally owned by Noor-Ul-Islam and that it had been let out to Mukund Lal and Om Prakash for purposes of their timber business. The petitioners claim to be the legal heirs of said Noor-Ul-Islam after his death on 06.09.1971. It is stated that the premises are in use and occupation of the three respondents who are legal heirs of Om

Prakash, one of the joint tenants inducted in the premises, he having died.

2. Upon being served with the special summons under Section 25B of the Delhi Rent Control Act, 1958, the respondents submitted an application seeking leave to contest. The said application was considered by the Additional Rent Controller and allowed by order dated 11.08.2015. It is the said order which is challenged by the petition at hand.

3. Having heard the learned counsel on both sides and having gone through the record with their respective assistance, this Court finds no merit in the revision petition. One of the grounds on which the respondents sought leave to contest was that the tenancy had been created not in the name of the two above-mentioned individuals but in the name of a partnership firm. This contention finds *prima facie* support from the copy of the rent receipt executed by Noor-Ul-Islam during his lifetime for a certain period. The Additional Rent Controller has granted the leave to contest holding that the respondents have raised triable issues.

4. In the above facts and circumstances, the view taken by the Rent Controller cannot be faulted.

5. The petition is devoid of substance and is dismissed.

R.K.GAUBA, J.

JANUARY 11, 2018

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