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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 21st May, 2018

+ R.C. REV. 548/2017

CHAMPA DEVI

..... Petitioner

Through: Mr. Siddharth Aggarwal, Adv.

versus

SHASHI SAWHNEY & ORS.

..... Respondents

Through: Mr. M.M. Singh, Adv. for R-1,
2 & 5.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The revisionist had filed the case (RC/ARC No. 412/2016) on 16.07.2015 for eviction against the respondents in respect of premises described as private shop no.1, forming part of property no.1, Krishan Kunj Colony, Laxmi Nagar, Delhi -110092 on the ground of *bona fide* need of her grandson Akash Yadav, son of Prem Singh, aged about 22 years, as he was to be settled in business from the said premises. In response to the summons under Section 25-B of Delhi Rent Control Act, 1958, the respondents had come up with an application for leave to contest. While the said application was kept pending, unaddressed, the additional rent controller, by the impugned order dated 27.07.2017, proceeded to dismiss the eviction petition primarily on the grounds that Akash Yadav who had attained majority “long ago” could not be treated as dependent “in law” and further that, if so

inducted in the premises, his status would be that of “ a tenant” and the landlord could not be permitted “to destroy” the immunity of one tenant so as to choose another tenant.

2. The counsel appearing for the respondents fairly conceded that the petition for eviction could not have been thrown out on the aforesaid reasoning. The clause in Section 14 (1) (e) of Delhi Rent Control Act does not talk of dependence for financial support. It is the dependence for the purpose of accommodation in the property owned by the grandmother which is necessary to be asserted and proved. The observation of the additional rent controller that the grandson if inducted would be a tenant is without basis as there can be no such assumption.

3. In the foregoing facts and circumstances, the impugner order cannot be upheld. It is set aside. Consequently, the eviction case of the petitioner stands revived on the file of additional rent controller. Needless to say, the proceedings thereupon shall continue from the stage of consideration of the application of the respondents for leave to contest. The other contentions of the parties are kept open.

4. The parties shall appear before the additional rent controller on 11th July, 2018.

5. This disposes of the petition.

R.K.GAUBA, J.

MAY 21, 2018

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