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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1518/2018
ANWAAR AHMAD

..... Petitioner

Through : Mr.Abhay Kumar, Adv.

versus

IFTAKARUDDIN

..... Respondent

Through : None

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **11.12.2018**

CM Appl.No. 51958/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1518/2018, CM Appl.No. 51959/2018

This petition challenges the order dated 18th October, 2018 whereby the application under Order 1 Rule 10 CPC of the petitioner was dismissed and eviction petition was allowed. It is submitted by learned counsel for the applicant that the applicant is the tenant in the premises on the ground floor and whereas the respondent had wrongly filed a petition for eviction against Tanveer Ahmad for the godown premises at ground floor, being part of property No.855, Katra Hiddu, Farash Khana, Delhi. The respondent in this petition had filed photocopy of the rent receipt dated 10.08.2017 where the name of tenant is shown as Tanveer Ahmed and has also filed

Relinquishment Deed dated 30.05.2000. The said petition was under Section 14(1)(e) of the Delhi Rent Control Act and as the leave to defend was not filed by Tanveer Ahmed (the original tenant) hence the eviction order was passed. Even the application under Order 1 Rule 10 CPC was also dismissed on the ground the applicant has no *locus standi* since he is not tenant in the premises.

The learned counsel for the applicant says the applicant is in possession of the ground floor and has filed an injunction suit wherein his possession is secured. In any case, if the applicant agitates his rights to stay in the premises he may agitate his right under Order 21 Rule 101 before the executing court to protect his possession. This petition has no merit and is accordingly dismissed. At this stage, learned counsel for the petitioner seeks liberty to file objections before the executing court. Such liberty is granted.

The petition stands disposed of in terms of the above.

Order dasti.

YOGESH KHANNA, J.

DECEMBER 11, 2018

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