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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 05.11.2019

+ RC.REV. 615/2019 & CM APPL. 47538/2019

M/S D C GUPTA & SONS THROUGH ITS
PARTNERS

..... Petitioner

versus

SAROJ GAUR

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Shiv Charan Garg, Advocate

For the Respondent: Mr. Ajay Gupta with Ms. Aishwary Jain, Advocates

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns the order dated 24.04.2019 whereby leave to defend application of the petitioner has been dismissed and eviction order passed.

2. Respondent had filed the subject eviction petition seeking eviction of the petitioner from one shop situated at ground floor of Property No.2774/1, Gali Nos.20 and 21, Beadon Pura, Karol Bagh, more particularly, as shown in red colour in the site plan annexed to the eviction petition.

3. Petition was filed by the respondent under Section 14(i)(e) of the Delhi Rent Control Act contending that the respondent has no source of income and requires the tenanted premise for starting her own business to meet her day-to-day expenses.

4. By the order dated 24.04.2019, leave to defend was declined and eviction order passed.

5. Issue notice. Notice is accepted by learned counsel appearing on behalf of the respondent. With the consent of parties the Petition is taken up for final disposal.

6. Learned counsel for the petitioner contends that the respondent has secured possession of an adjoining shop from another tenant and has also agreed to continue the tenancy in respect of another adjoining shop and as such, the respondent does not have any *bona fide* necessity of the subject premises.

7. Learned counsel for the respondent disputes the same and he submits that even though the petitioner had received possession of one of the adjoining shops, the *bona fide* need of the respondent still exists and counsel submits that the respondent has agreed to continue the tenancy of the other adjoining shop on the ground that eviction order had been passed in respect of the subject tenanted premise and respondent required the subject premise for her *bona fide* need in addition to the shop, possession of which has been received by her. He submits that the shop, tenancy of which has been continued is not

comparable to the subject tenanted premises.

8. Learned counsel for the respondent submits that without prejudice to the rights and contentions, he has no objection, in case leave to defend the eviction petition is granted to the petitioner to test the bonafide requirement of the Respondent subject to the direction to the Rent Controller to expedite the proceedings and subject to petitioner clearing the entire arrears of rent.

9. Learned counsel for the respondent submits that the petitioner has not paid the arrear of rent for the last several years @ Rs.1771/- per month.

10. Learned counsel for the petitioner undertakes to clear the entire arrears of rent within a period of 4 weeks from today. He submits that at present the petitioner has a receipt evidencing payment up to May 2012 and in case any further receipts are available, he shall pay the arrears of rent with effect from the date from which the last receipt is available.

11. The undertaking is accepted.

12. In view of the above, without commenting on the merits of the case of with party, impugned order dated 24.04.2019 is set aside. Leave to defend the eviction petition is granted to the petitioner.

13. List the eviction petition before the concerned Rent Controller on 16.12.2019 on which date, petitioner shall file his written statement

before the Rent Controller.

14. Keeping in view of the facts and circumstances, the Rent Controller is directed to expedite the proceedings and endeavour to conclude the same within a period of nine months before the next date of hearing.

15. The petition is allowed in the above terms.

16. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

NOVEMBER 05, 2019

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