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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 148/2019 & CM APPL. 3976/2019**

RATTAN SINGH Petitioner
Through: Mr. O.P. Verma, Advocate.

versus

ANAND KUMAR JAIN Respondent
Through: Mr. Vineet Jain, Advocate.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **22.02.2019**

Vide the present petition, the petitioner assails the impugned order dated 31.07.2018 of the learned ARC-2/Central/ THC in E-419/17/16, vide which an application under Section 151 of the CPC filed on behalf of the applicant/petitioner herein arrayed as the respondent to the said eviction petition seeking leave of the ARC to file additional documents along with the additional affidavit was declined observing to the effect that the period of 15 days had already expired from the date when the service of summons had been effected and that the leave to defend application had already been filed and the matter was re-notified for arguments on the leave to defend application.

It has been submitted on behalf of the petitioner that through the application that had been filed on behalf of the petitioner seeking leave to defend, the petitioner herein had categorically averred therein

to the effect that the respondent herein i.e. the petitioner of the said eviction petition owned a two and a half storied property bearing no.E-786 situated at Lohiawali Gali No.3, Babarpur, Delhi and the said property measuring about 60 square yards had been let out in the year 2015 to one Shri Vijay Raghav through a registered lease deed at a hefty rent and that the petitioner herein could not lay his hands upon the relevant documents about the ownership of the said property and about its letting and as soon as the documents are available, would be placed on the record.

Through the application that was filed by the applicant/petitioner herein seeking to place on record the documents, the documents that have been placed on record relate to property bearing no.E-789, Gautam Gali No.3, Babarpur, Shahdara, Delhi in the form of a property tax receipt and an electricity bill in the name of the respondent herein i.e. the petitioner of the eviction petition.

On behalf of the respondent, the prayer made is vehemently opposed submitting to the effect that the respondent herein had categorically denied the averments made in the application seeking leave to defend and that the documents that have been sought to be placed now on the record do not relate to the property qua which the petitioner had made the submission in the application seeking leave to defend.

The same is apparently correct as per record and the factum that such document existed and the petitioner was apparently aware of according to the petitioner himself i.e. of the respondent being the

owner of other premises, cannot be overlooked.

The facts of the case relied upon by the petitioner in CM(M) No.1191/2018 decided by this Court are distinguishable and not in *pari materia* with the facts of the instant case.

In the circumstances, there is no infirmity in the impugned order. The present petition is thus, declined.

ANU MALHOTRA, J

FEBRUARY 22, 2019/NC