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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 156/2019 & CM APPL. 4186-4187/2019
MOHD TAQI Petitioner
Through Ms. Ankita Patnaik, Adv.

versus

FARIDA BEGUM (DECEASED) THR LRS Respondent
Through None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER
% **29.01.2019**

CM APPL. 4187/2019

Exemption allowed subject to all just exceptions.

The application is disposed of.

CM(M) 156/2019 & CM APPL. 4186/2019

Vide the present petition, the petitioner assails the impugned order dated 28.11.2018 of the learned Rent Control Tribunal, Tis Hazari Courts i.e. the order of the learned District and Sessions Judge (HQ) in RCT No. 16/2017 vide which the appeal filed by the appellant thereof i.e. the present petitioner assailing the impugned order and decree dated 28.11.2016 of the learned ARC-1 (Central) was dismissed.

Vide the judgment dated 28.11.2016 in eviction petition bearing E. No. 76/15 of the Court of the learned CCJ-cum-ARC-1 (Central), the eviction petition filed by the petitioner thereof i.e. the respondent arrayed to
CM(M) 156/2019

the present petition against the present petitioner arrayed as the respondent thereof under Section 14 (1) (a) of the DRC Act, 1958 as amended was allowed with the respondent to the present petition i.e. Smt. Farida Begum having been held entitled for recovery of the tenanted premises i.e. premises bearing no. 10405-B, Ground Floor consisting of One room, Lobby cum Drawing Room, Kitchen and Toilet situated at Baghichi Peerji, Ram Bagh Road, Subzi Mandi, Delhi – 110007, as shown in the red colour in the site plan annexed alongwith the petition.

It has been sought to be contended on behalf of the petitioner herein that the petitioner has disputed the ownership of the respondent to the present petitioner of the tenanted premises and throughout the proceedings had only contended that the petitioner was a tenant under the descendant of Smt. Begam Jahan.

It has also been submitted during the course of the submissions made that in the petition under Section 14 (1) (e) of the DRC Act, 1958 as amended, the eviction of the petitioner was already ordered and that stay of the eviction has been granted in RC. REV 233/2018.

Be that as it may, a bare perusal of the impugned order dated 28.11.2018 in RCT No. 16/2017 indicates that the said eviction petition filed by Smt. Farida Begum was under Section 14 (1) (a) of the DRC Act, 1958 as amended with the directions having been passed under Section 15(1) of the DRC Act, 1958 as amended on 22.03.2016 of which there was no compliance and as a consequence thereof the defence of the petitioner was struck out and thereafter the petition under Section 14 (1) (a) of the DRC Act, 1958

as amended was allowed and furthermore in view thereof in view of the non-compliance of order under Section 15(1) of the DRC Act, 1958 as amended in view of the defence having been struck out, which order passed on 22.03.2016 was admittedly, not assailed by the petitioner herein so also the order vide which the defence of the petitioner herein was struck off under Section 15 (1) of the DRC Act, 1958 as amended was also not thus assailed by the petitioner herein, the benefit under Section 14 (2) of the DRC Act, 1958 as amended was not granted, it is apparent that there is no merit in the prayer and the petition and accompanying application are thus declined.

ANU MALHOTRA, J

JANUARY 29, 2019/MK