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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 188/2019, CAV 101/2019 & CM APPL. 4976-4977/2019
M/S JAKKI MULL & SONS Petitioner
Through Mr. Sanjeev Sindhwani, Sr. Adv. with
Mr. Mohit Gupta, Adv.
versus
SANJAY GUPTA Respondent
Through Mr. Rajat Aneja, Mr. Sambit Nanda,
Advs.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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04.02.2019

CAV 101/2019

Learned counsel for the caveator / respondent is present and has been heard. The caveat stands discharged.

CM APPL. 4977/2019

Exemption allowed subject to all just exceptions.

The application is disposed of.

CM(M) 188/2019 & CM APPL. 4976/2019

Vide the present petition, the petitioner assails the impugned order dated 07.01.2019 of the learned SCJ-cum-RC, New Delhi in RC no. 29/18 vide which an application filed on behalf of the petitioner, arrayed as the respondent to the said petition, seeking that the proceedings be adjourned sine die, *inter alia* was declined. Apart from this, the prayer made by the petitioner seeking the rejection of the petition was also rejected. It is essential to observe that it is mentioned in paragraph 12 of the impugned order to the effect : -

“However, this averment made by the respondent can be considered at the time of deciding the leave to defend application filed by the respondent. Thus no ground is

made out for adjourning the petition sine a die or rejecting the petition at this stage in the absence of any such special provision under the Delhi Rent Control Act for the same.”

It is apparent thus that the contentions that have been made in the application filed by the petitioner herein seeking the adjournment of the proceedings *sine die* before the learned SCJ-cum-RC, New Delhi in RC no. 29/18 on the ground of the submissions made in the said application in relation to the aspect of the proceedings under Sections 14(1)(e), 14(1)(b) & 14(1)(j) of the DRC Act, 1958 as amended being on a similar footing have been left open to be considered vide the impugned order itself vide the sentence detailed hereinabove.

In view thereof, the present petition is disposed of to the effect that the submissions that are sought to be made by the petitioner as prayed in its application in relation to the contentions that the proceedings under Sections 14(1)(e), 14(1)(b) & 14(1)(j) of the DRC Act, 1958 as amended in relation to the aspect of the relationship of landlord and the tenant would be on a similar footing and thus the consequential aspect of the principles of *res judicata* being applicable, would be considered by the learned Rent Controller, New Delhi without being influenced by the observations made in the impugned order dated 07.01.2019.

Apparently the respondent may make all submissions in relation thereto.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 04, 2019/MK