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

+ CM(M) 280/2019, CM APPL No.7806/2019

S K GUPTA

..... Petitioner

Through : Mr.Lalit Gupta, Mr.Siddharth and
Ms.Dimple Sibal, Advocates.

versus

SARITA JAIN

..... Respondent

Through : Ms.Payal Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **22.05.2019**

The suit No.476/2013 for possession was filed by the respondent against the petitioner qua the first floor of premises bearing No.7530 B, forming part of the property No.7530, situated at Tel Mill Street, Ram Nagar, Paharganj, New Delhi – 110055 claiming the rental of premises to be Rs.4,000/- per month and that since the petitioner herein was in arrears of rental, a notice was issued terminating the tenancy and thereafter the suit was filed for possession against the petitioner. The suit was decreed in favour of the respondent. The appeal is filed against the judgment dated 14.10.2016 in Civil Suit No.476/2013.

During the pendency of appeal, an application under Order 41 Rule 27 CPC was filed by the petitioner for bringing on record the certified copies of the judgment passed in eviction petition No.E235/2017 filed by the respondent against yet another tenant M/s.W.H.Brady & Company Limited for the ground floor of the said premises.

It is the averment of the learned counsel for the petitioner that

suit No.476/2013 for possession was decreed, primarily, on two grounds *a)* the rental of premises was more than Rs.3500/- per month; and *b)* premises was situated in an area where the provisions of Delhi Rent Control Act would not apply.

The application was dismissed by the learned first appellate Court on the ground of laches but it was also observed qua objection *b)* the petitioner ought to have placed on record the notification of applicability of DRC Act to the said premises/area.

Considering the facts and circumstances though I am not inclined to interfere with the impugned order, qua filing of certified copies of record of eviction petition, as alleged, however the petitioner is granted an opportunity to place on record copy of notification qua applicability of DRC Act over the premises in dispute. Even otherwise, judicial notice of such notification may be taken, if permissible. The petitioner may apply for such notification to the appropriate Government within two weeks from today.

The petition stands disposed of in above terms. Pending application also stands disposed of. No order as to costs. Copy of this order be given *dasti* under signature of the Court Master.

YOGESH KHANNA, J.

MAY 22, 2019

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