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

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Judgment delivered on: 17.10.2019

+ RC.REV. 221/2019

GIRIRAJ & ANR

..... Petitioners

versus

SHEELA DEVI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. P.D. Gupta, Sr. Advocate with Mr. Abhishek Gupta, Advocates with petitioner in person.

For the Respondent: Mr. M.P. Sharma with Mr. Alok Kachru, Mr. Rehana Alam and Mr. Deepak Kaushik, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners impugn order dated 18.10.2018, whereby, application of the petitioner under Order I Rule 10 CPC and leave to defend application under Section 25-B Delhi Rent Control Act have been dismissed.

2. Subject eviction petition was filed by the respondent No.1 (*Eviction Petitioner*) with regard to a shop in property bearing Municipal No.1377, Mohalla Sangatrashan, Pahar Ganj, New Delhi

against Smt. Bimla Devi. No leave to defend application was filed by Smt. Bimla Devi.

3. Subject application was filed by the petitioner contending that the petitioner is in occupation of the subject property and Smt. Bimla Devi is not a tenant and has no concern with the subject property.

4. Application of the petitioner was dismissed by the Rent Controller holding that no document had been produced by the petitioner to show any relationship of landlord and tenant between the petitioner/applicant and the respondent No. 1 (*Eviction Petitioner*).

5. Learned counsel submits that there is no relationship between the petitioner/applicant and the respondent No. 1 (*Eviction Petitioner*).

6. Learned counsel appearing for the Respondent No. 1 (*Eviction Petitioner*) also contends that there is no relationship of landlord and tenant between respondent No. 1 (*Eviction Petitioner*) and the petitioner herein/applicant before the Rent Controller.

7. Learned senior counsel for the petitioner submits that since the stand of the respondent No. 1 (*Eviction Petitioner*) is that the petitioner is not a tenant, he seeks leave to withdraw the petition with liberty to take appropriate remedies in accordance with law to protect his possession *inter alia* by initiating independent proceedings before

a Civil Court as also by filing objections to the execution of the impugned order.

8. Petition is accordingly dismissed as withdrawn.

9. Needless to state that since the application of the petitioner has been dismissed by the Rent Controller on the ground that the petitioner is not the tenant under the respondent No. 1 (*Eviction petitioner*), the order shall not affect the rights, if any, of the petitioner to the subject property.

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

OCTOBER 17, 2019
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SANJEEV SACHDEVA, J