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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 707/2019

IMRAN & ORS

..... Petitioners

Through : Mr.Harish Kr. Mehra, Advocate.

versus

MAHESH ARORA (SINCE DECEASED THR LRS) & ORS

..... Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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07.05.2019

CM APPL No.21669/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 707/2019 & CM APPL No.21668/2019

This petition challenges the order dated 27.03.2019 whereby the appellate Court has dismissed the appeal filed by the petitioner herein against an order dated 15.11.2017 which too dismissed an application under Order I Rule 10 CPC of the petitioners on the ground a petition under Section 14(1)(a) DRC Act can be filed by any co-owner and it is not necessary that every co-owner be made party. The eviction petition was filed in the year 2006 and the petitioners being co-owners of the property did not file any application for impleadment till 2011 and hence the application under Order I Rule 10 CPC was dismissed for latches. Even otherwise, as per law an eviction petition can be filed by a co-owner/landlord of the premises, hence there is no illegality in the

impugned order. It is a contention of the learned counsel for the petitioner the petitioner had given a legal notice under Section 14(1)(a) of DRC Act though the eviction petition was filed by yet another co-owner and it may not prejudice him in future. This very fact was never agitated before the learned ARCT. Nevertheless no order has been passed on this issue till date and hence may be seen by the Trial Court at relevant time. The impugned order of the learned ARCT is justified and needs no interference.

The petition stands dismissed. Pending application if any, also stands disposed of.

YOGESH KHANNA, J.

MAY 07, 2019

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