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

+ **C.R.P. 174/2019 & CM Nos. 35766/2019, 35767/2019 &
35768/2019**

ATAM JEET SINGH BEDI

..... Petitioner

Through: Mr P. K. Bhardwaj, Advocate.

versus

M/S ROMESH INDUSTRIES

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.08.2019

1. The petitioner has filed the present petition, impugning an order dated 28.03.2019 passed by the learned District Judge, rejecting the petitioner's application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (CPC).
2. The respondent (plaintiff) in Suit No.59420/2016 had filed the said suit seeking eviction of the petitioner (defendant therein) from certain premises claimed to be owned by him. The respondent claimed that the petitioner was a licensee and the license having been terminated, the petitioner was liable to be evicted.
3. The petitioner filed an application under Order VII Rule 11 of the CPC – which has been dismissed by the impugned order – claiming that the suit was barred by Section 50 of the Delhi Rent Control Act, 1958.
4. It is settled law that an application under Order VII Rule 11 of the

CPC is required to be adjudicated on a demurer, that is, by assuming the statements made in the plaint to be correct. Concededly, if the statements in the plaint are accepted to be correct, then Section 50 of the Delhi Rent Control Act, 1958 would have no application.

5. In this view, the Court finds no infirmity with the impugned order in rejecting the petitioner's application.

6. The petition and the applications are, accordingly, dismissed.

7. Nothing stated in this order should be construed as an expression of opinion, *prima facie* or otherwise, that the relationship between the petitioner and respondent was of a licensor and a licensee. All contentions of the parties are reserved.

VIBHU BAKHRU, J

AUGUST 09, 2019
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