

\$~31

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

+ CM(M) 792/2018 & CM APPL. 27979/2018

SUMAN LATA

..... Petitioner

Through: Mr. SP Aggarwal, Adv.

versus

DELHI PINJRA POLE SOCIETY (REGD)

..... Respondent

Through: Mr. Gaurav Barathi, Adv.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

14.02.2019

The petitioner assails the impugned order dated 27.04.2018 of the RCT, THC in RCT No.58/2017 vide which an appeal against the order dated 30.05.2017 of the ARC (Central) in Eviction Petition 105/17/13 (New No.80282/2016) was dismissed. An application under Order 6 Rule 17 of the CPC filed by the petitioner herein i.e. the respondent in the said Eviction Petition seeking to aver *inter alia* qua the aspect of the eviction petition not falling within the ambit of Section 22 of the DRC Act in view of the findings of the Court of the ADJ on 24.07.2012 in relation to the aspect that the respondent to the present petition was running a Goshala without any licence from the MCD and to contend that the petitioner of the Eviction Petition/the landlord did not fall within the ambit of a public institute in as much as a private trust is not covered in the same, was declined by the learned ARC (Central) and the appeal against the same as observed

hereinabove has also been dismissed.

Apparently, the contention that the petitioner seeks to raise herein against the impugned orders is on the basis of a legal contention in relation to the respondent herein not being entitled to the eviction of the petitioner on the grounds prescribed under Section 22 of the DRC Act, 1958, as amended. The same as has rightly been contended on behalf of the respondent before the RCT, THC, can always be raised at the time of final arguments and to similar effect the submission that has been now made on behalf of the respondent.

In as much as there can be no bar to raise a legal contention during the course of arguments being addressed, the petitioner can always make submissions in relation to the aspect that the eviction petition as filed by the petitioner thereof does not fall within the ambit of Section 22 of the DRC Act. In these circumstances, there is no merit in the petition and the petition is disposed of with the above observations.

ANU MALHOTRA, J

FEBRUARY 14, 2019

vm