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

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Judgment delivered on: 15.11.2019

+ RC.REV. 350/2017 & C.M. No.27243/2017 (for stay)

VIRENDER PAL

..... Petitioner

versus

ZAHIRRUDDIN & ANR

..... Respondents

**Advocates who appeared in this case:**

For the Petitioner: Mr. Mukesh Gupta, Mr. Mayank Ahuja, Mr. Sachin Bansal & Ms. Arti Sharma, Advocates with petitioner in person.

For the Respondent: Mr. J.H. Jafri & Mr. Zamir Ahmad, Advocates.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner impugns order dated 28.02.2017 whereby the leave to defend application of the petitioner has been dismissed and an eviction order passed.

2. Subject eviction petition was filed by the respondents under

section 14(1)(e) of the Delhi Rent Control Act, 1958, seeking eviction of the petitioner from a shop in House No.6339-40, Gali Ravidass, Nabi Karim, Paharganj in Delhi on the ground of *bona fide* necessity.

3. It is contended in the eviction petition that respondents had purchased the property including the tenanted premises and the said premises was required for the son of respondent No.1, who had started his business of purse designing from a tenanted shop and was paying monthly rental of ₹16,000/- per month. It is contended that the respondents do not have any other alternative suitable accommodation from which business could be carried out.

4. Subject leave to defend application was filed by the petitioner *inter alia* contending that the respondents have other alternate accommodations from which the business could be carried out. Further, it is contended that the respondents are neither the owner of the property nor the petitioner is a tenant in the property. It is pleaded in the leave to defend application that the petitioner during the riots of 1984, finding the property abandoned, kept his belongings in the property and since then he is in possession of the property and nobody has claimed ownership qua the same and he has been exercising all his rights in respect of the said property since 1984 and accordingly in the absence of any person claiming ownership, he has perfected his title by way of adverse possession. Petitioner has also denied the rent receipts filed by the respondents along with the eviction petition and contended that they are forged.

5. Learned counsel for the respondents submits that petitioner was inducted as a tenant by the erstwhile owner from whom he purchased the property in 1999. He submits that petitioner had been paying rent to the respondents, though in cash, against duly signed rent receipts and has falsely denied that the rent receipts are forged.

6. In view of the averment made by the petitioner in the application seeking leave to defend about how he claims to have come in possession of the property and also his claim that the rent receipts are forged, I am of the view said grounds raise a triable issues as to the status of the petitioner as also of relationship between the parties.

7. Petitioner has been able to show grounds which if proved would disentitle the respondents/landlord from an order of eviction.

8. Accordingly, leave to defend the eviction petition is granted to the petitioner.

9. List the eviction petition before the Rent Controller on 20<sup>th</sup> December, 2019 on which date the petitioner shall file his written statement before the Rent Controller.

10. Keeping in view the fact the eviction petition was filed in the year 2017, the Rent Controller is directed to expedite the proceedings and endeavour to conclude the same within a period of one year.

11. Petition is accordingly disposed of in the above terms. It is clarified that this court has neither considered nor expressed any

opinion on the merits of the case of the either parties.

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

**SANJEEV SACHDEVA, J**

**NOVEMBER 15, 2019**

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