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

% Judgment delivered on: 11th September, 2020

+ CM(M) 113/2019& CM APPLN. 3394/2019, 18309/2019 & 10089/2020

GURPREET SINGH

..... Petitioner

versus

SUMAN SHARMA

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Ms. Shalini Kapoor, Mr. Dikshant Khanna, Ms. Bindita Chaturvedi and Mr. Sangram Singh Kheechi, Advocates

For the Respondent: Mr. Amarjeet Singh Sahni, Advocate

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 15.12.2018 whereby the application of the petitioner to take on record additional documents, i.e. (1) transcript of conversation between the petitioner and the husband of the respondent held on 18.04.2018 and (2) copy of the sale deed dated 04.05.2011, has been dismissed.
3. Learned counsel for the petitioner submits that the sale deed dated 04.05.2011 is already referred to in the leave to defend

application and is a sale deed which was executed by the mother of the respondent in favour of another tenant of an adjoining property. Learned counsel submits that the sale deed was not in power and possession of the petitioner.

4. With the regard to the transcript of the conversation, it is contended that the conversation had happened after the leave to defend application was filed.

5. Learned counsel appearing for the respondent contends that though the sale deed was within the knowledge of the petitioner, same should have been filed along with leave to defend application. She, however, submits that the contentions raised by the petitioner in the leave to defend application has been duly responded to in the reply to the leave to defend application.

6. Learned counsel further contends that the transcript of conversation is not relevant or germane to the decision of the leave to defend application.

7. She further submits that arguments on the leave to defend application have already been concluded and the orders are reserved, however, the same has not been pronounced in view of the orders passed in these proceedings.

8. After some arguments, learned counsel for the parties have agreed that the petition be disposed of in the following terms:

- i) Copy of the Sale Deed dated 04.05.2011 be permitted to be placed on record and taken into consideration by the Additional Rent Controller;
- ii) Petitioner withdraws his application with regard to taking on record the transcript of conversation held on 18.04.2018 between the parties; and
- iii) Parties be permitted to address additional arguments limited to the sale deed dated 04.05.2011.

9. With the consent of the parties, the petition is allowed to the said limited extent. Copy of Sale deed dated 04.05.2011 is permitted to be placed on record and be taken into consideration by the Additional Rent Controller.

10. The Eviction Petition shall be listed before the Additional Rent Controller for directions, on 28.09.2020, for fixing an early date for hearing submission of the parties limited to the additional document i.e. the sale deed dated 04.05.2011.

11. Since the judgment has already been reserved and learned counsel for the parties informed that the matter is listed before the trial court for orders on 17.12.2020, the Additional Rent Controller shall conclude all proceedings and endeavour to deliver the judgment on the leave to defend application by 17.12.2020.

12. It is clarified that this court has not commented upon the

relevance or otherwise of the sale deed dated 04.05.2011.

13. The petition is allowed in the above terms.

14. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

SEPTEMBER 11, 2020

'rs'

Signature Not Verified

Digitally Signed By: UNAL
MAGGU
Signing Date: 11.09.2020 19:30:08
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

CM (M) 113/2019

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