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IN THE HIGH COURT OF DELHI AT NEW DELHI

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C.R.P. 55/2020 and CM APPLs. 18556/2020-18559/2020**DALBIR SINGH**

..... Petitioner

Through: Mr. Gulshan Kumar Bharti, Mr. Charitarth Bharti and Ms. Garima Sharma, Advocates (M: 9899188222, 9711561714)

versus

KHURANA

..... Respondent

Through: Mr. K.N. Singh, Advocate (M: 9811071188).

CORAM:**JUSTICE PRATHIBA M. SINGH****ORDER**

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10.08.2020

1. This hearing has been held through video conferencing.
2. The present petition has been filed challenging the order dated 19th February, 2020 by which the Petitioner's/Tenant's (*hereinafter*, "*Tenant*") application for bringing on record certain photographs was rejected by the Id. Rent Controller.
3. The eviction petition has been filed by the Respondent/Landlord (*hereinafter*, "*Landlord*") under Section (14)(1)(e) of the Delhi Rent Control Act, 1958. The Tenant moved an application for leave to defend, which application has been pending for more than ten months now. In the meantime, the Tenant moved an application under Order VIII Rule 1-A (3) CPC to place on record photographs of the front and the rear portion of the premises. It was the case of the Tenant that the pillar on the first floor of the

premises was raised at the rear side, after the leave to defend was filed and hence the photographs could not be filed earlier. This plea, according to the Landlord, was not taken by the Tenant in the leave to defend application or in the application seeking to place the photographs on record.

4. The submission of Mr. Gulshan Kumar Bharti, Id. counsel for the Tenant is that a pillar has been erected in the first floor of the premises which shows that there is additional space available for the Landlord.

5. Mr. K.N. Singh, Id. counsel appearing for the Landlord submits that the photographs are completely irrelevant as the Tenant is running Kaka Tents on the front portion of the ground floor of the premises. The Landlord requires the said premises for the use of his son who wishes to start a stationery and photocopying business.

6. The Court has perused the photographs on record. It is clear that the photographs are only trying to show that there is one pillar raised on the rear portion of the first floor of the premises. The question as to whether these photographs would even be relevant for the leave to defend application would have to be considered by the Id. Rent Controller, as the premises of which eviction is sought is on the ground floor and that too in the front side of the property. Some extra space at the rear of the first floor being available to the landlord may be raised by the tenant and the landlord is permitted to raise his objections to the same. The filing of the photographs has delayed the adjudication of the leave to defend application. In order to avoid any further delays in deciding the leave to defend application, it is directed that:

- (i) The photographs shall be seen by the Id. Rent Controller as part of the submissions of the Tenant in the leave to defend application;
- ii) The relevance and effect of the said photographs shall also be

considered before passing orders on the leave to defend application;

iii) No adjournment shall be granted in the leave to defend application which is stated to be listed today. The same shall be heard and disposed of on or before 15th October, 2020.

7. With the above observations, the revision petition is disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

AUGUST 10, 2020
MR/T