

\$~3

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

%

Judgment delivered on: 18.09.2020

+

CM(M) 461/2020

ALKA SACHDEVA

..... Petitioner

versus

SEEMA GUPTA & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. P.K. Rawal, Advocate.

For the Respondent: Mr. Satish Sharma, Advocate for Mr. Neeraj Gupta.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CM APPL.23136/2020 (exemption) & CM APPL.23137/2020 (exemption)

Exemptions are allowed subject to all just exceptions.

CM(M) 461/2020

1. The hearing was conducted through video conferencing.
2. Petitioner impugns adjournment of the execution proceedings by order dated 03.09.2020 by the Rent Controller.

3. Learned counsel for the petitioner submits that an eviction petition was filed under Section 14(1)(e) of Delhi Rent Control Act and eviction order was passed on 26.09.2019 against the tenants. Mr. Neeraj Gupta, the brother of the tenant Smt. Seema Gupta had appeared before the Executing Court on 03.09.2020 contending that he proposed to file objections. But till date no objections have been filed.

4. Learned counsel for the petitioner submits that since no objections have been filed, he was not impleaded as a party in these proceedings. However, he submits that Mr. Neeraj Gupta has filed an application under Order 39 Rules 1 and 2 before the executing Court and accordingly, has waived his right to file any objection.

5. Mr. Satish Sharma, Advocate intervenes on behalf of Mr. Neeraj Gupta and submits that Mr. Neeraj Gupta was granted two weeks time to file objections and his objections are ready and are being filed during the course of the day. He further submits that Mr. Neeraj Gupta had not waived his right to file any objection.

6. Without prejudice to the rights and contentions of the parties, learned counsel for the petitioner submits that in case the right of the petitioner to raise a plea of maintainability of the objections on the ground of waiver is protected and directions are issued for expeditious disposal, he shall not press his present petition.

7. In view of the above, petitioner is permitted to raise the plea of maintainability of the objections which are being filed by Mr. Neeraj Gupta on the ground of alleged waiver besides raising the other objections.

8. It is further directed that the Rent Controller shall expeditiously dispose of the objections which are sought to be filed by Mr. Neeraj Gupta and endeavour to conclude the proceedings as expeditiously as possible.

9. It is clarified that this Court has neither considered nor commented on the plea raised by the petitioner with regard to the waiver of the right to object by the respondent. All rights and contentions of the parties are reserved.

10. The petition is, accordingly, disposed of.

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

SEPTEMBER 18, 2020
st

SANJEEV SACHDEVA, J