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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RSA 162/2019 & CM Nos.36714-18/2019
RANJEET KUMAR GUPTA Appellant
Through: Mr.P.P. Singh, Adv. with appellant in person.

versus

VIRENDER KUMAR GUPTA Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **31.01.2020**

This appeal has been filed by the appellant challenging the judgment/order dated 07.03.2019 passed by the learned Additional District Judge-04, South West, Dwarka Court, New Delhi in RCA No. 54822/2016 titled *Shri Ranjeet Kumar Gupta vs. Sh. Virender Kumar Gupta*. By the said Impugned Judgment/Order the learned Additional District Judge has been pleased to dismiss the appeal filed by the appellant challenging the judgment and decree dated 27.08.2016 passed by the learned JSCC-ASCJ-cum-Guardian Judge, Dwarka in CS 125/2015 decreeing the Suit for recovery of possession as also damages for the unauthorized occupation of the tenanted premises filed by the respondent herein, by allowing the application filed by the respondent herein under Order XII Rule 6 of the Code of Civil Procedure, 1908.

The learned Trial Court and the learned Appellate Court have held that the appellant had admitted the relationship of landlord and tenant. His defence that the Suit was barred under Section 50 of the Delhi Rent Control

Act, 1958 has been rejected as the appellant had failed to produce any Notification under Section 1(2) of the Delhi Rent Control Act, 1958 making the provisions of the Act applicable to the area where the tenanted premises are situated. In the present appeal also the appellant has not filed any such Notification.

In view of the above, I find no infirmity in the judgment and order passed by the learned Appellate Court dismissing the appeal of the appellant herein.

I may also note that the learned Appellate Court has also recorded that in the execution of the judgment and order passed by the learned Trial Court, the appellant has already been evicted from the tenanted property.

The appeal is accordingly dismissed.

NAVIN CHAWLA, J

JANUARY 31, 2020/rv