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

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Judgment delivered on: 30.01.2020

+ RC.REV. 423/2018 & CM APPL.35601/2018

MOHD SALEEM

..... Petitioner

versus

ABDUL MALIK

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Javed Ahmed, Advocate.

For the Respondent: Ms. Seema Mishra & Mr. Dinesh Tiwari, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 20.03.2018 whereby the leave to defend application filed by the petitioner has been dismissed and eviction order has been passed.

2. Subject eviction petition was filed by the respondent seeking eviction of the petitioner on the ground of bona fide necessity under Section 14 (1) (e) of Delhi Rent Control Act, 1958 from one Hall measuring 10 X 17 ft at ground floor, in property bearing No.K-166/68, Gali No. 10, near Khadde Wali Masjid, Gautam Vihar, Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

3. Learned counsel for the petitioner submits that the subject premises is not situated in an area which is covered under Section 1 (2) of Delhi Rent Control Act, 1958 as such there is no applicability of the Delhi Rent Control Act to the said premises.

4. Learned counsel submits that in a subsequent eviction petition filed by the respondent against the petitioner, the Rent Controller had called for reports from the Patwari as also from the Town & Planning Department and thereafter, respondent withdraw the eviction petition.

5. Learned counsel for the respondent submits that in view of the stand of the petitioner that the subject premises is not covered by Delhi Rent Control Act, she has instructions to withdraw the eviction petition while reserving the right of the respondent to initiate appropriate proceedings against the petitioner under Civil law.

6. In view of the above, the impugned order dated 20.03.2018 is set aside. The eviction petition filed by the respondent is dismissed as withdrawn with liberty to the respondent, as prayed for.

7. The Revision Petition is allowed in the above terms.

8. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

JANUARY 30, 2020/hk