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

% Judgment delivered on: 03.05.2023

+ RSA 27/2023 & CM APP No. 6120-22/2023

PRAKASH CHAND

..... Appellant

versus

SH RAM NARAIN THR LRS

..... Respondent

Advocates who appeared in this case:

For the Appellant : Mr. Shakeel Ahmed Saifi, Advocate.

For the Respondent : None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. In the present appeal, the appellant challenges the judgment dated 24.08.2022 passed by the First Appellate Court in RCA DJ No.26/2020 titled as "*Prakash Chand vs. Ram Narain*", whereby the first appeal of the appellant challenging the judgment and decree dated 29.02.2020 passed by the learned Trial Court in CS No. 609337/16 titled as "*Ram Narain vs. Prakash Chand*", was dismissed.

2. Learned counsel appearing for the appellant submits that according to him, there are two substantial questions of law, which arise before this Court for consideration under Section 100 of the CPC, 1908. The first one being that the District Courts at Tis Hazari, where the suit was originally filed, did not have the territorial jurisdiction of the

subject suit property which is situated within the jurisdiction of District Courts at Saket in the South District; the other being that the original suit as laid by the appellant was barred under the provisions of Section 50 of the Delhi Rent Control Act, 1957.

3. According to Mr. Ahmed, learned counsel appearing for the appellant, the learned Trial Court as also the First Appellate Court had overlooked the evidence placed on record in respect of the aforesaid two issues, which would go to the root of the matter rendering the suit itself not maintainable and, therefore, the impugned judgment and decree passed thereon would automatically become a nullity in law.

4. This Court has considered the submissions made by learned counsel for the appellant and also perused the impugned judgment passed by the First Appellate Court. So far as the first ground of appeal raised by Mr. Ahmed, learned counsel is concerned, it is noticed that the said suit wherefrom the aforesaid appeal has arisen, was filed in the year 2006 when the jurisdiction of the subject suit property was well within the territorial jurisdiction of the District Courts at Tis Hazari Courts.

5. Moreover, when the new districts for the exercise of civil jurisdiction of the Civil Courts was effected in Delhi, under a notification issued by the Competent Authority, the suits which were filed prior to the said notification were permitted to continue in the District Courts where they were originally filed. It was only in respect to the suits which were filed subsequent to the said notification, that the jurisdiction was restricted to the subject matter coming under Section 16 of the CPC, 1908.

6. Thus, the first ground of appeal on the issue of territorial

jurisdiction is rejected for the aforesaid reason.

7. So far as the ground of appeal with respect to the issue of civil suit being barred by the provisions of Section 50 of the Delhi Rent Control Act, 1957 is concerned, both the learned Trial Court as well as the First Appellate Court have examined the evidence placed on record minutely and have come to the firm conclusion that the rent was beyond the purview of Section 50 of the Delhi Rent Control Act, 1957, wherein maximum amount of Rs. 3,500/- was inserted as a cap, below which an ordinary civil suit seeking eviction would have been barred.

8. Having regard to the fact that the Trial Court as also the First Appellate Court have based their reasoning on the evidence brought on record by the respondent that the rent per month was Rs. 5,000/-, the Trial Court as well as the First Appellate Court were consistent in their findings.

9. Mr. Ahmed, learned counsel has not been able to show any document to the contrary on the record to convince this Court on the issue that the rent at any given point of time was below Rs. 3,500/-, to attract the bar under Section 50 of the Delhi Rent Control Act, 1957.

10. This Court has also considered the findings in respect of the objections under Section 50 of the Delhi Rent Control Act, 1953 carefully and on an overall conspectus of the facts as also the evidence brought on record by the respondent/ plaintiff, is of the considered opinion that no question of law much less a substantial question of law arises in the present appeal for this Court to interfere in the impugned judgments.

11. In view thereof, the aforesaid appeal along with pending

applications is dismissed with no order as to costs.

TUSHAR RAO GEDELA, J.

MAY 3, 2023/nd

