



\$~6

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on: 10.07.2023

Judgment pronounced on: 12.10.2023

+

C.M. (M) 572 of 2019 & CM APPPL. 16914/2019

RAVI BHUSHAN

..... Petitioner

Through: Mr. Harshbir Singh Kohli,
Adv

Versus

RAJIV MEHRA & ANR

..... Respondents

Through: Mr. Jai Sahai Endlaw, Ms.
Shambhavi Kala, Mr. Zubin John,
Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

J U D G M E N T

: JASMEET SINGH, J

1. The instant petition has been filed under Article 227 of the Constitution of India seeking setting aside the impugned order dated 22.10.2018 passed by the learned Rent Control Tribunal (Central) wherein the appeal filed by the respondents was allowed in part.
2. Vide the said order 22.10.2018, appeal bearing RCT No. 30331/2016 filed by the petitioner challenging the judgment 18.10.2011 passed by the learned ARC in E No. 13/2009 was dismissed and the second appeal bearing RCT No. 30357/2016 filed by the respondents was



allowed under section 14(1)(a) of the Delhi Rent Control Act, 1958 (in short “DRC Act”) and the matter was sent back to the learned ARC for consideration of grant of benefit under section 14(2) of the DRC Act. Petitioner herein has only challenged the order of allowing of the appeal filed by the respondents and has not challenged the order of dismissal of his appeal.

3. The facts in the instant case are not much in dispute. The respondents filed an eviction petition against the petitioner/tenant under Section 14 (1)(a), (c) &(j) of the DRC Act with respect to the first floor portion of property bearing Municipal No. 4680, Mahavir Bazar, Cloth Market, Fatehpuri, Church Mission Road, Delhi-110006 (*hereinafter referred as ‘demised premises’*).
4. The demised premises was let out at monthly rent of Rs. 180/- excluding electricity and water charges. The petitioner was irregular in payment of rent and a notice dated 11.09.1999 was sent by the respondents to the petitioner.
5. The rent for the period of 11.03.1999 to 10.08.1999 was received by the respondents without prejudice to their rights before the learned ARC and the petitioner is depositing the subsequent period rent which the respondents are receiving.
6. It was alleged that the petitioner has caused substantial damage to the demised premises and demolished the wall in the stair case coming from the ground floor to first floor and also removed the latrine structure and converted that space into a room and despite notice he has not removed the unauthorized construction.
7. Therefore, the petitioner was/is in the illegal possession of the



portion constructed in the demised premises without the consent of the respondents. Consequently, the contractual tenancy has been terminated with the time mentioned in the agreement as the said agreement has not been renewed and vide legal notice dated 11.09.1999. The petitioner used the converted space for other purposes than it was let out and the petitioner damaged the demised premises and therefore, damages to the tune of Rs. 30,000 per month from the date of termination of the tenancy was also claimed.

8. Upon summons being served to the petitioner, written statement was filed on behalf of the petitioner wherein relationship between the landlord and tenant, and rate of rent was admitted but the extent of tenancy and purpose of letting was denied. The petitioner further stated that since inception of the tenancy, the demised premises is being used for commercial purposes and categorically denied the site plan filed by the respondents and filed the correct site plan of the demised premises. It was also stated that the respondents refuse to accept the rent.
9. It was further stated that no unauthorised construction or demolition was made in the demised premises and it is in the same shape as it was let out more than twenty years back.
10. Replication to the written statement was filed by the respondents reiterating the contents of the eviction petition.
11. Evidence was led by the parties and after perusing the material and evidence available on record, the learned ARC dismissed the petition under section 14(1)(a) and (c) of the DRC Act as no cause of action was found. As far as 14(1)(j) was concerned, learned ARC upheld



the petition and directed to remove the additional structure in the demised premises in view of 14(10) of the DRC Act.

12. Both the parties assailed the above order in appeals filed under section 38 of the DRC Act before the Rent Control Tribunal.
13. Learned tribunal decided both the appeals vide common order dated 22.10.2018 wherein the learned tribunal allowed the appeal of the respondents in part as the matter was sent back to the learned ARC for consideration of grant of benefit under section 14(2) of the DRC Act and dismissed the appeal of the petitioner.
14. Assailing the above order passed by the learned Tribunal, the instant petition has been filed by the petitioner.
15. I have in RC Rev No. 341 of 2018 allowed the eviction petition filed by the respondents in respect of the same demised premises herein under section 14(1)(e) of the DRC Act and set aside the order dated 17.03.2018 passed by the learned ARC.
16. Since an eviction order has already been passed in respect of demised premises herein in RC Rev No. 341 of 2018, I am of the view that the present petition along with pending application has become infructuous and is accordingly dismissed.

JASMEET SINGH, J

OCTOBER 12th, 2023 / (MSQ)

[Click here to check corrigendum, if any](#)