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

Date of decision: 01.12.2023

+ **CM(M) 1453/2023**

RAVINDER KAUR

..... Petitioner

Through: Mr. Karanpreet Singh and Mr.
Jaspreet Singh, Advocates

versus

REKHA PATWA & ANR.

..... Respondents

Through: Mr. Deepak Arora, Advocate

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. The learned counsel for the Petitioner at the hearing dated 06.09.2023 had placed before this Court a tabulation enlisting the five (5) sale deeds for which permission is being sought to be placed on record, which is as under:-

S.No	Particulars	Owner	Page No. of this petition
1.	Sale deed of Property bearing no. 4063-4064, First and Second Floor with roof rights, Roshanara Road, Delhi-110007. (purchased on January, 2019)	Surinder Patwa (Original Petitioner no.2)	72-87
2.	Sale deed of property bearing no. 4044-4045, Roshanara Road,	Surinder Patwa (Original Petitioner	90-103



	Delhi-110007. (purchased on September, 2015)	no.2)	
3.	Sale deed of property no. 4007 & 4008, Roshanara Road, Delhi-110007. (purchased on Feb, 2014)	Rekha Patwa (Original Petitioner no.1)	106-119
4.	Sale deed of property no. 4002, Roshanara Road, Delhi-10007. (purchased on Feb, 2014)	Surinder Patwa (Original Petitioner no.2)	122-135
5.	Sale deed of property no. 4062, Roshanara Road, Delhi-10007. (purchased on Feb, 2014)	Surinder Patwa (Original Petitioner no.2)	138-151

2. The learned counsel for the Respondents states on instructions that each of the five (5) sale deeds enlisted in this table are owned either by original petitioner No. 1 or original petitioner No. 2, in the eviction petition.

2.1. He, however, states that property bearing No. 4044-4045 enlisted at serial No. 2 is a residential property. He states that similarly property No. 4063 enlisted at serial No. 1 is also a residential property.

2.2. He further states that the properties enlisted in the table are not suitable for the requirements of the landlord and therefore, are not an alternate accommodation available to them.

2.3. He states that subject to recording of this objection, the aforesaid documents be taken on record.

3. In reply, learned counsel for the Petitioner i.e., the tenants states that as per his instructions, property bearing No. 4063 at serial No.1 is a commercial property.

3.1. He states that it is the contention of the Petitioner that these properties



enlisted in the table are a suitable alternate accommodation available to the Respondents.

4. In view of the judgement of this Court in *Ashok Kumar vs. Hotel Zodiac Pvt. Ltd.* passed in CM(M) 77/2020 decided on 28.09.2021 and the averments made by the Petitioner at paragraph 2(xii), paragraph 4 and 6 of his application seeking leave to defend; the aforesaid five (5) sale deeds details whereof are given in the table handed over to this Court on 06.09.2023 and placed on record of this petition at pages 72 to 151 are permitted to be taken on record before the Trial Court.

4.1 However, the Petitioner is bound down to his statement that no amendment to the pleadings is required because of these documents being taken on record as these are in furtherance of his existing averments at para 2 (xii), 4 and 6 of the application seeking leave to defend.

5. The counsel for the Petitioner undertakes that he will address arguments before the Trial Court on 05.12.2023 and not seek any adjournment.

6. The learned counsel for the Petitioner states that the tabulation dated 06.09.2023 will be filed with the Registry during the course of the day.

7. The rival stand of the parties with respect to the aforesaid properties will be considered by the Trial Court in accordance with law.

8. With the aforesaid directions, the present petition is disposed of.

9. Pending application(s) if any stands dismissed.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 1, 2023/rhc/sk

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