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

Date of decision: 02.11.2023

+ CM(M) 1487/2023

MOHD.ARIF

..... Petitioner

Through: Mr. Amit Bhasin, Advocate

versus

AMIT CHAUDHARY AND ANR

..... Respondents

Through: Mr. Digvijay Singh, 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):

CM(M) 1487/2023 & CM APPL. 47325/2023

1. This petition filed under Article 227 of the Constitution of India impugns the order dated 01.08.2023 passed by the CCJ acting as Additional Rent controller (Central), Tis Hazari Court, Delhi in RC/ARC No. 749/2019 ('Trial Court') whereby the Trial Court dismissed the application of the Petitioner under Order VIII rule 1A (3) read with section 151 of Civil Procedure Code, 1908 (CPC) seeking permission to place on record the photographs along with the CD and Pen-drive stating to be vital documents for disposal of the leave to defend application of the Petitioner herein.

1.1. The Petitioner is the respondent-tenant and the Respondents are the petitioners-landlords in the eviction petition filed under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 ('DRC Act') before the Trial Court.



1.2. The Respondents being the landlords and owners of the tenanted shop situated at ground floor, in the property bearing No. 5689 (new) and 7586, 7587 (Old), situated at Gali Hanuman Mandir (Sholal), Factory Road, Nabi Karim, Paharganj, Delhi-110055 have filed an eviction petition under the DRC Act for their bona fide need against the Petitioner herein, who is the tenant of the said tenanted shop.

2. In this petition, learned counsel for the Petitioner is seeking a limited relief for placing on record the photographs filed under the cover of the index dated 04.10.2023 at running pages 4 to 27. The relevance of the said photographs has been set out in the index dated 04.10.2023.

2.1. After some arguments, learned counsel for the Petitioner states that he is withdrawing his reliance on the photographs at page Nos. 14 to 20.

2.2. He states that the remaining photographs at pages 4 to 13 and 21 to 27 be permitted to be taken on record as they are in furtherance of the stand taken by the Petitioner i.e., tenant in his application for leave to defend and the rejoinder. He states that the said photographs do not raise any new plea.

3. In reply, learned counsel for the Respondents i.e., landlords states that he disputes the relevance of the photographs sought to be placed on record and states that he has placed on record his stand with respect to each of these photographs in his tabulated response dated 01.11.2023.

3.1. He states that without admitting to the assertions made by the Petitioner in his tabulated index dated 04.10.2023, he states that the photographs filed at pages 4 to 13 and 21 to 22 may be taken on record subject to reserving the Respondents right to raise all the defences already set out in the tabulated response dated 01.11.2023 as well as in the pleadings which already form part of the Trial Court record.



4. The learned counsel for the Respondents has been permitted to make a correction in his own handwriting at serial no. 3 of the tabulated index dated 01.11.2023, during the course of hearing.
5. Accordingly, with the consent of the parties, impugned order dated 01.08.2023 is modified on following terms:
- (a) The photographs placed on record in this petition at page nos. 4 to 13 and 21 to 27 are permitted to be placed on record before the Trial Court along with the stand set out by the Petitioner in its tabulated index dated 04.10.2023 and by the Respondents i.e., landlords in the tabulated response dated 01.11.2023. The photographs filed at pages 14 to 20 are not permitted to be taken on record.
- (b) The tabulated index dated 04.10.2023 filed by the tenants and 01.11.2023 filed by the landlords will be placed before the Trial Court and parties will be permitted to rely upon the contents of the said index for addressing their arguments.
- (c) The Petitioner herein will file the aforesaid photographs and the two (2) indexes before the Trial Court within a period of one (1) week.
6. With the aforesaid directions, the petition stands disposed of with the consent of the parties.
7. Pending applications, if any, stands disposed of.
8. It is made clear that this Court has not examined the contentions raised by the parties on the relevance of the photographs and the said issue will be decided by the Trial Court on its own merits and in accordance with law.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 2, 2023/hp/ms