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

Date of decision: 10.11.2023

+ CM(M) 1867/2023, CM APPL. 58754/2023 & CM APPL. 58755/2023
BHAWNA KALRA & ORS. Petitioners

Through: Mr. Pawan Kawrani, Advocate
through VC.

versus

SWATI CHOUDHARY Respondent

Through:

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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. This petition filed under Article 227 of the Constitution of India impugns the order dated 23.09.2023 passed by CCJ Cum ARC, District Central, Tis Hazari Court ('Trial Court') in RC ARC 966/2018, titled as **Swati Choudhary v. Hari Shankar**, dismissing an application filed by the petitioner herein under Section 151 of the Code of Civil Procedure, 1908 ('CPC') for bringing on record the fact of the gainful employment of the son of the landlord i.e., the Respondent herein.

1.1. The Petitioner herein is the respondent and the Respondent herein is the petitioner before the Trial Court.

1.2. The Respondent herein filed eviction petition under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 ('DRC Act') against late Sh. Hari



Shankar Kalra i.e., husband of the Petitioner No.1, seeking eviction from the tenanted premises i.e., one shop bearing no. 9885, situated on the ground floor in Nawab Ganj, Azad Market, Delhi ('tenanted premises').

1.3. The eviction petition was filed on the ground that the tenanted premises is required for the residential purpose of the landlord and for opening a shop for younger son of landlord. In the eviction petition it was stated that the said younger son is unemployed.

2. The learned counsel for the petitioner states that it is a material fact, that the eviction petition has been filed for the bonafide requirement of the younger son of the landlord.

2.1 He states that Respondent's younger son is employed in Bangalore since May 2019 and till date he is working there, which shows that there is not bonafide requirement left qua him for the Respondent.

2.2 He states that the information which was sought to be brought on record through the application filed under Section 151 CPC which was dismissed vide the impugned order, had been gathered from the social media account of the son of the petitioner available on the linked.in profile.

3. This Court has heard the learned counsel for the Petitioner and perused the record.

4. The impugned order dated 24.08.2023 records that judgment stands reserved in the matter and in fact is listed today i.e., 10.11.2023 for pronouncement of orders.

5. This petition as per the record was filed on or about 21.10.2023 and has been listed for the first time today on 10.11.2023. This Court is not persuaded that the time taken by the Petitioner between 21.09.2023 to 10.11.2023 in filing this petition and having its listed on 10.11.2023 i.e., the date of pronouncement of orders before the Trial Court has been reasonably



explained. This Court is therefore not persuaded to entertain this petition at this belated stage.

6. In the opinion of this Court, in view of the fact that the judgment already stands reserved by the Trial Court no interference is warranted at this stage.

7. The impugned order falls within the jurisdiction of the Trial Court and the does not warrant interference in the supervisory jurisdiction of this Court. It is, however, clarified that in case the final order passed by the Trial Court is against the Petitioner herein, he will be entitled to raise the grounds raised in this petition in the statutory remedy availed by him against the said order.

8. The petition is accordingly dismissed. Pending application stands disposed of.

MANMEET PRITAM SINGH ARORA, J

10 NOVEMBER, 2023/MR/sk