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

+ **C.R.P. 65/2024**

MUNEESH SINGH RAGHUVANSHI Petitioner

Through: **Ms. Jyoti Nambiar, Adv.**

versus

DHEERAJ SALUJA AND ANR Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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15.02.2024

CM APPL. 9173/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

C.R.P. 65/2024 and CM APPL. 9172/2024 (Stay)

3. The petitioner is assailing the impugned order dated 06.02.2024 passed by the learned ADJ, Shahdara District, Karkardooma Court, Delhi, whereby his application under Order VII Rule 11 CPC has been dismissed.
4. It is submitted by the learned counsel for the petitioner that although he was inducted as a tenant in the premises for the five years as per the terms of the lease agreement w.e.f. 04.09.2017, the premises has been sealed by the respondent No.2/MCD through its Monitoring Committee on 28.02.2018. Evidently, it is the case of the petitioner/defendant that goods worth about Rs.75 lakhs are still lying inside the premises.



5. Learned counsel for the petitioner has urged that the impugned order is not a reasoned order and the learned Trial Court has failed to appreciate that the petitioner is ready and willing to surrender the symbolic possession of the tenancy premises, subject to allowing him to take out all his goods lying inside the premises. It is urged that the whole claim of the respondent/plaintiff is fictitious and the relief which are claimed cannot be granted.
6. None appeared on behalf of the respondent despite advance notice.
7. A perusal of the record shows that earlier an application under Order VII Rule 11 CPC had been moved on behalf of the petitioner/defendant which had been dismissed as withdrawn on 18.04.2022. Although the learned Trial Court has not assigned any reasons, however it is apparent that issues in that matter have been framed.
8. Anyhow since the application can be moved at 'any stage', a careful reading of the averments in the plaint vide in paragraphs (16), (17), (18) and (19) reveal certain allegations to the effect that allegedly it was the petitioner/defendant who had carried out some illegal activities in the tenancy premises, which led to the respondents No. 2 MCD resorting to sealing action. Reading of the plaint as a whole does make out that there is cause of action inasmuch as there is a claim for outstanding amount of rents/damages to be paid by the petitioner/defendant.
9. The present civil revision petition is not tenable in law. However, learned Trial Court is impressed upon to consider the request of the petitioner/defendant to surrender the symbolic lease in



favour of the respondent/plaintiff, and allowed them to retrieve the entire goods from the premises as per the law.

10. Further in the meanwhile a direction may be given by the learned Trial Court to the respondent No.1/plaintiff to approach the Monitoring Committee for de-sealing of the premises after removing the irregularities in the premises. This order is passed without prejudice to the rights and contention of the parties.

11. The present civil revision petition is disposed of.

12. A copy of this order be given to the learned Trial Court for information and necessary compliance.

DHARMESH SHARMA, J

FEBRUARY 15, 2024

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