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

+ **RC.REV. 59/2024**

SURINDER SINGH

.....Petitioner

Through: Mr. Deepak Pathak, Mr. Diwakar
Vikram Tripathi, Advocates

versus

SAVINDER KAUR & ORS.

.....Respondents

Through: Mr. Yash Gupta, Advocate

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

24.09.2024

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1. The present revision petition is filed under section 25B (8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as “**the Act**”) to impugn the order dated 25.07.2023 passed by the court of Sh. Ajay Nagar, Rent Controller (West), Tis Hazari Courts, Delhi (hereinafter referred to as “**the trial court**”) in RC ARC bearing no. 14/2023 whereby the application for leave to defend filed by the petitioner/tenant was dismissed.

2. The respondents/landlords filed an eviction petition bearing no. 14/2023 under section 14(1)(e) read with section 25B of the Act against the petitioner/tenant on the ground of *bona fide* need. The petitioner/tenant, after service of summons as per the Third Schedule, filed an application for leave to defend which was dismissed by the trial court vide the impugned order dated 25.07.2023, as a consequence of which, an eviction order was passed in favour of the respondents/landlords. The petitioner being aggrieved, filed



the present petition.

3. It is stated that the possession of the tenanted premises has been restored to the respondents in execution of warrant of possession in accordance with law, as such the present petition is not maintainable.

4. This Court has already taken the view in the judgment dated 26.07.2024 passed in RC.REV. 284/2023 titled as **Om Prakash Ashok Kumar & Sons V Shri Ajay Khurana** that if the possession of the tenanted premises is restored back to the landlord in execution of warrant of possession in accordance with law, then the revision petition is not maintainable. Accordingly, the present revision petition is dismissed being infructuous.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 24, 2024

j/am