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

+ **RC.REV. 539/2018**

VIJAY KUMAR FARSHWAL Petitioner

Through: Mr R.K. Sharma, Ms Ankita Bhatia,
Advocates.

versus

SUNITA DEVI Respondent

Through: Mr Rajat Vats, Adv.

+ **RC.REV. 35/2020**

VIJAY KUMAR FARSHWAL Petitioner

Through: Mr R.K. Sharma, Ms Ankita Bhatia,
Advocates.

versus

RAJESH KUMAR Respondent

Through: Mr Rajesh Dhankar, Adv.

+ **RC.REV. 36/2020**

VIJAY KUAMR FARSHWAL Petitioner

Through: Mr R.K. Sharma, Ms Ankita Bhatia,
Advocates

versus

KUMARI SUNITA Respondent

Through: Mr Nishant Rajora, Adv.

+ **RC.REV. 37/2020**

VIJAY KUAMR FARSHWAL Petitioner

Through: Mr R.K. Sharma, Ms Ankita Bhatia,
Advocates

versus

PRAVEEN AHUJA Respondent

Through: Mr Kumar Ankur & Mr Karan
Bindra, Adv.

RC.REV. 539/2018 & connected

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+ **RC.REV. 38/2020**

VIJAY KUMAR FARSHWAL

..... Petitioner

Through: Mr R.K. Sharma, Ms Ankita Bhatia,
Advocates.

versus

BADRI PRASHAD

..... Respondent

Through: Mr Rajat Vats, Adv.

+ **RC.REV. 40/2020**

VIJAY KUMAR FARSHWAL

..... Petitioner

Through: Mr R.K. Sharma, Ms Ankita Bhatia,
Advocates

versus

OMI @ OM PRAKASH

..... Respondent

Through: Mr Kumar Ankur & Mr Karan
Bindra, Adv.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

11.03.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 47819/2018 (stay) in RC.REV. 539/2018

CM APPL. 2311/2020 (stay) in RC.REV. 35/2020

CM APPL. 2314/2020 (stay) in RC.REV. 36/2020

CM APPL. 2325/2020 (stay) in RC.REV. 37/2020

CM APPL. 2334/2020 (stay) in RC.REV. 38/2020

CM APPL. 2351/2020 (stay) in RC.REV. 40/2020

1. Arguments heard. The petitioner/landlord by way of these petitions under proviso to Section 25B(8) of the Delhi Rent Control Act has assailed

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the orders passed by the learned Rent Controller in these cases in the proceedings under Section 14(1)(e) of the Act. By way of the orders impugned in these petitions learned Rent Controller while adjudicating on the applications for leave to contest, dismissed the eviction petitions, holding that the petitions should have been filed under Section 14(1)(f) & (g) of the Act instead of Section 14(1)(e) of the Act because the petitioner/landlord had pleaded that he would reconstruct the subject premises after the same are vacated by the respondents/tenants. It is after holding this that the learned Rent Controller opted not to examine remaining aspects of Section 14(1)(e) of the Act.

2. The argument advanced on behalf of the petitioner/landlord is that the respondents/tenants in their leave to contest applications did not take a plea to the effect that the petitions are not maintainable under Section 14(1)(e) of the Act. Further, learned counsel for petitioner/landlord took me through the overall pleadings to contend that the basic content of the petitions is the *bona fide* requirement of the petitioner and not the need to reconstruct the property.

3. After part arguments, learned counsel for both sides submit that the impugned order may be set aside with consent and matters be remanded to the learned Rent Controller for fresh adjudication on the essential requirements under Section 14(1)(e) of the Act insofar as the learned Rent Controller did not deliver any findings on the same.

4. Accordingly, with consent of both sides, the orders impugned in these petitions are set aside and the matters are remanded to the learned Rent

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Controller for fresh adjudication on the applications for leave to contest after hearing both sides afresh.

5. Both sides shall appear before the learned Rent Controller on 16.03.2024 at 02:00 pm, after which the learned Rent Controller shall fix a date of hearing according to his/her calendar. The learned Rent Controller is requested to pass fresh orders expeditiously.

6. Accordingly, petitions as well as pending applications stand disposed of.

GIRISH KATHPALIA, J

MARCH 11, 2024/as

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