



2024:DHC:9366



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 18.11.2024***

+ RC.REV. 153/2019 & CM APPL. 11799/2019

SANDEEP PURI

.....Petitioner

Through: Mr. Vaibhav Kush, Advocate.

versus

SHARDA AHUJA

.....Respondent

Through: Mr. Praveen Suri, Mr. Akhil Kumar
and Mr. Jayesh Nayar, Advocates.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The orders dated 21.05.2024 and 28.10.2024 reflect that it is the admitted case of both the parties that the possession of the Shop bearing No. 5/2947-D, Shiv Chowk, Ranjeet Nagar, New Delhi [hereinafter referred to as "subject premises"] has been handed over to the Respondent/landlady through execution proceedings.
2. Learned Counsel for the Petitioner/tenant affirms that the possession of subject premises has been taken over.
3. The issue of whether a Revision Petition is maintainable when the tenanted subject premises has been legally restored to the Respondent/landlady, either during or before the filing of the Revision Petition, has been addressed by the Supreme Court as well as by Coordinate Benches of this Court.



4. The Supreme Court in *NC Daga v. Inder Mohan Singh Rana*¹, dealt with a similar situation while dismissing a challenge by a tenant to a judgment passed by this Court upholding an order declining leave to defend passed by the learned Trial Court. The facts in the case were that, possession of the tenanted premises had been taken pursuant to an order passed by the Executing Court. The Supreme Court dealt with the similar arguments raised on behalf of the Respondent/landlord that the Petition has become infructuous pursuant to the possession having been taken.

5. After briefly examining the contention of the parties, the Supreme Court in N.C Daga case held that in view of the admitted position of possession being taken in execution proceedings, it was not necessary to go into the further details since such a decision would be a purely an academic question. The Supreme Court held as follows:

"6. In view of the admitted position that pursuant to the order passed by the Rent Controller, possession has been taken on execution of the order permitting eviction, and absence of specific stand regarding implied consent it is, however, not necessary to go into the finer details and to examine the rival stand in the background of legal position as it would amount to rendering decision on a purely academic question. The appeal is, therefore, dismissed, without any order as to costs."

[Emphasis Supplied]

6. A similar view was taken by the Supreme Court in *Vinod Kumar Verma v. Manmohan Verma*² where on an averment by Respondent/landlord that possession of the premises has already been taken over, the Supreme Court held that nothing further survives in the Appeal and disposed

¹ (2003) 1 SCC 453

² Civil Appeal Nos. 5220-5221 of 2008 order dated 19.08.2008



the Appeals as being infructuous. The order being brief is extracted below"

"Leave granted.

At the time of hearing of these appeals, the learned counsel appearing on behalf of the landlord-respondent submits, on instructions, that the possession of the premises in question has already been taken over by the landlord-respondent. That being the position, these appeals have now become infructuous, which have been filed against the final judgment and order dt. 25.02.2008 and 28.03.2008 passed by the High Court of Delhi at New Delhi in RCR No. 49 of 2007 and C.M.No.119 of 2008 (Review) in RCR No.49 of 2007, by which the Revision Petition filed by the tenant/appellant was dismissed and order of eviction was affirmed. Since the possession has already been taken over by the landlord-respondent, in our view nothing survives in these appeals and accordingly, the appeals are disposed of as infructuous.

Interim order, if any, stands vacated. There will be no order as to costs. "

[Emphasis Supplied]

7. Various Coordinate Benches of this Court have also similarly held that the tenant's Petition have become infructuous in view of possession being taken. Reliance is placed on *Neelam Sharma v. Ekant Rekhan*³ and *Bhawani Shankar v Nand Lal and Ors.*⁴

7.1 In *Om Prakash Ashok Kumar & Sons v. Ajay Khurana*⁵ while relying on the NC Daga case and several other cases, a Coordinate Bench held as follows:

"10. This Court in various decisions has followed the decision given by the Supreme Court in N.C. Daga v. Inder Mohan Singh Rana. The Co-ordinate Bench of this Court in Poonam Bangia v. Harbhagwan Dass Chandiramani in RC. REV. no. 16/2021 vide order dated 22.07.2021 after following the law laid down in N.C. Daga v. Inder Mohan Singh Rana, dismissed the revision petition after observing

³ 2019 SCC Online Del 6487

⁴ 2021 SCC OnLine Del 4284

⁵ 2024 SCC OnLine Del 5228



that the landlord has received the possession of the tenanted premises through execution proceedings. Another Coordinate Bench of this Court in *Mange Ram v. Rajesh Narain Goel*, in RC. REV. no. 147/2021, decided on 19.03.2024 after following *N.C. Daga v. Inder Mohan Singh Rana and Vinod Kumar Verma v. Manmohan Verma*, in Civil Appeal nos. 5220-5221/2008 passed by the Supreme Court and in *Poonam Bangia v. Harbhagwan Dass Chandiramani* in RC. REV no. 16/2021 passed by this Court as mentioned hereinabove also dismissed the revision petition as became infructuous due to the reason that the possession of the subject premises has been restored to the respondent/landlord. The same view was also taken by another Co-ordinate Bench of this Court in *Ram Avtar v. Anuradha Shukla* in RC. Rev. Bearing no. 104/2021 vide order dated 03.11.2023, the revision petition was ordered to be dismissed as the possession of the tenanted premises has already been taken by the respondent/landlord in accordance with law.

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In the present case as reflected from the order dated 10.05.2024, the possession of the tenanted premises has already been restored back to the respondent/landlord in execution of warrant of possession in accordance with law. This Court is also of the view that the present petition is not maintainable. Accordingly, the present petition, along with pending applications stands dismissed being infructuous."

[Emphasis Supplied]

8. This Court has in *Ashok Gupta & Anr. v. Deepak Rao*⁶ has taken the following view:

"18. The Eviction Petition was filed by the Respondent/landlord under Section 14(1)(e) of the Delhi Rent Control Act, 1958 setting out the requirement to open his law offices. The proceeding was contested by the Petitioner/tenant and an Eviction Order was passed by the learned Trial Court. Pursuant thereto, the Respondent/landlord recovered possession of the demised premises in accordance with law. As such the Revision Petition has been filed challenging the order of the learned Trial Court which has now gained fruition and was executed and has already been implemented through execution proceedings. In these circumstances, the Revision Petition has become infructuous.

⁶ 2024 SCC OnLine Del 7148



19. As stated above, the jurisdiction of this Court exercising revisionary powers is limited and circumspect. The Petitioner/tenant did not initiate civil proceedings for recovery of possession, instead the present Revision Petition was filed. The Petitioner/tenant has not contended that Section 19 of the Delhi Rent Control Act, 1958 has been violated. Relying on the judgment of the Supreme Court in the **NC Daga** case and **Vinod Kumar Verma** case, this Court finds that this Petition has become infructuous and is accordingly dismissed."

8.1 In addition, in RC. REV. No. 104/2021 captioned as **Ram Avtar v. Anuradha Shukla** vide order dated 03.11.2023 this Court has held that once possession was taken over by the Respondent/landlord in accordance with law, the Petition becomes infructuous. The relevant extract of the Ram Avtar case reads as follows:

"4.1 This Court has considered this contention of the learned Counsel for the Petitioner/tenant. The Revision Petition has been filed challenging the order of the Trial Court which has now gained fruition, and has already been implemented through execution proceedings. In these circumstances, the Revision Petition has become infructuous.

5. Furthermore, this Court in various judgments held that once possession has been taken over by the Respondent/landlady in accordance with law, this petition becomes infructuous and in view thereof, nothing survives in the petition."

[Emphasis Supplied]

9. The present Petition has been filed impugning the order and judgment of the learned Trial Court which has directed vacation of the subject premises in issue. The jurisdiction of this Court is only revisionary in nature and limited in scope. The Supreme Court in **Abid-Ul-Islam v. Inder Sain Dua**⁷ while interpreting the intendment of the legislature in removing two stages of Appeal that were earlier provided in the Delhi Rent Control Act,



1958 [hereinafter referred to as the "Act"] has held that this is a conscious omission. It was held that the High Court is not expected to substitute and supplant its view with that of the learned Trial Court, its only role is to satisfy itself on the process adopted. Thus, the scope of revisionary jurisdiction of this Court has been limited to examine if there is an error apparent on the face of the record or absence of any adjudication by the learned Trial Court, and it is only then should the High Court interfere. The Supreme Court has also cautioned from converting the power of superintendence into that of a regular first Appeal under revisionary jurisdiction. This has been elucidated at length by Supreme Court in *Abid-Ul-Islam* case in the following manner:

"Scope of revision"

22. We are, in fact, more concerned with the scope and ambit of the proviso to Section 25-B(8). The proviso creates a distinct and unequivocal embargo by not providing an appeal against the order passed by the learned Rent Controller over an application filed under sub-section (5). The intendment of the legislature is very clear, which is to remove the appellate remedy and thereafter, a further second appeal. It is a clear omission that is done by the legislature consciously through a covenant removing the right of two stages of appeals.

23. The proviso to Section 25-B(8) **gives the High Court exclusive power of revision against** an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. **Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record,** which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into

⁷ (2022) 6 SCC 30



that of a regular first appeal, an act, totally forbidden by the legislature.

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25. The aforesaid decision has been recently considered and approved by this Court in *Mohd. Inam v. Sanjay Kumar Singhal* [*Mohd. Inam v. Sanjay Kumar Singhal*, (2020) 7 SCC 327 : (2020) 4 SCC (Civ) 107] : (SCC pp. 340-41, paras 22-23)

“22. This Court in *Sarla Ahuja v. United India Insurance Co. Ltd.* [*Sarla Ahuja v. United India Insurance Co. Ltd.*, (1998) 8 SCC 119] had an occasion to consider the scope of proviso to Section 25-B(8) of the Delhi Rent Control Act, 1958. This Court found, that though the word “revision” was not employed in the said proviso, from the language used therein, the legislative intent was clear that the power conferred was revisional power. This Court observed thus : (SCC p. 124, para 11)

‘11. The learned Single Judge of the High Court in the present case has reassessed and reappraised the evidence afresh to reach a different finding as though it was exercising appellate jurisdiction. No doubt even while exercising revisional jurisdiction, a reappraisal of evidence can be made, but that should be for the limited purpose to ascertain whether the conclusion arrived at by the fact-finding court is wholly unreasonable.’

It could thus be seen, that this Court has held, that the High Court while exercising the revisional powers under the Delhi Rent Control Act, 1958 though could not reassess and reappraise the evidence, as if it was exercising appellate jurisdiction, however, it was empowered to reappraise the evidence for the limited purpose so as to ascertain whether the conclusion arrived at by the fact-finding court is wholly unreasonable.

23. Again in *Ram Narain Arora v. Asha Rani* [*Ram Narain Arora v. Asha Rani*, (1999) 1 SCC 141] , this Court had an occasion to consider the aforesaid powers under the Delhi Rent Control Act, 1958. This Court observed thus : (SCC p. 148, para 12)

‘12. It is no doubt true that the scope of a revision petition under Section 25-B(8) proviso of the Delhi Rent Control Act is a very limited one, but even so in examining the legality or propriety of the proceedings before the Rent Controller, the High Court could examine the facts available in order to find out whether he had correctly or on a firm legal basis approached the matters on record to



decide the case. Pure findings of fact may not be open to be interfered with, but (sic if) in a given case, the finding of fact is given on a wrong premise of law, certainly it would be open to the Revisional Court to interfere with such a matter.'

It was thus held, that though the scope of revisional powers of the High Court was very limited one, but even so in examining the legality or propriety of the proceedings before the Rent Controller, the High Court could examine the facts available in order to find out whether he had correctly or on a firm legal basis approached the matters on record to decide the case. It has also been held, that pure findings of fact may not be open to be interfered with, but in a given case, if the finding of fact is given on a wrong premise of law, it would be open to the Revisional Court to interfere with the same."

[Emphasis Supplied]

10. The provisions of the Act provide for a remedy of restoration of possession to a Petitioner/tenant in one situation, i.e., under Section 19 of the Act. In cases allowed under Section 14(1)(e) of the Act, the recovery of possession by a tenant under Section 19(1) of the Act can be obtained if the landlord re-let the whole or part of the subject premises within three years from the date of obtaining possession from the evicted tenant. Sub-section (2) of Section 19 of the Act further provides that where such premises are not occupied within two months by landlord or within three years from the date of possession by the person for whose benefit the premises are held, or are re-let to a person without permission of the Rent Controller within three years from the date of possession, the Rent Controller may direct the landlord to put the tenant in possession or pay him such compensation as is deemed fit by the Rent Controller. Section 19 of the Act is set out below:

"19. Recovery of possession for occupation and re-entry.-(1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (e) of the proviso to sub-



section (1) of section 14 [or under sections 14A, 14B, 14C, 14D and 21, the landlord shall not, except with the permission of the Controller obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Controller may direct the landlord to put such evicted tenant in possession of the premises.

(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Controller under sub-section (1) or the Possession of such premises is transferred to another person for reasons which do not appear to the Controller to be bona fide, the Controller may, on an appeal to the Controller in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit."

10.1 The Supreme Court in ***Abid-Ul-Islam*** case has held that Section 19 of the Act gives a right of re-possession to the dispossessed tenant if landlord recovers possession under Section 14(1)(e) of the Act and thereafter, the landlord does not use the subject premises for the purpose that it was intended and set out in such Eviction Petition on which basis, an order for eviction was obtained by the landlord. The relevant extract is set out below:

*"19. Before a presumption is drawn, the landlord is duty-bound to place prima facie material supported by the adequate averments. It is only thereafter, the presumption gets attracted and the onus shifts on the tenant. The object of Section 14(1)(e) vis-à-vis Section 25-B has to be seen in the light of yet another provision contained under Section 19. **Section 19 gives a right to the dispossessed tenant for repossession if there is a non-compliance on the part of the landlord albeit after** eviction, to put the premises to use for the intended purpose. **Such a right is available only to a tenant who stood dispossessed on the application filed by the landlord invoking Section 14(1)(e) being allowed. Thus, Section 19 inter alia throws more light on the legislative objective facilitating a speedy possession.** The object is also reflected in the proviso to Section 25-*



B(8), denying a right of appeal.."

[Emphasis Supplied]

11. The Eviction Petition was filed in the year 2012 by the Respondent/landlady, who is a senior citizen, setting out the bona fide need for the subject premises for commercial use by the Respondent/ landlady and her daughter to open a boutique shop. The leave to defend/contest was filed by the Petitioner/tenant, was allowed on 21.04.2015 by the learned Trial Court. After a full trial, the learned Trial Court passed the Order on 13.09.2018 [hereinafter referred to as "Impugned Order"] allowing the Eviction Petition.

11.1 The Petitioner/tenant disputed the landlord-tenant relationship and challenged the ownership of the Respondent/landlady. The Petitioner disputed that the bona fide need of a married daughter, cannot be sustained. The Petitioner/tenant further contested that Respondent/landlady concealed alternative accommodation, including on the first, second and third floor of subject building. Additionally, it was contested that Respondent/landlady only intends to evict the Petitioner/tenant, to re-sell the subject premises.

11.2 On the aspect of ownership, the Respondent/landlady clarified that the subject premises belonged to her mother Smt. Janki Rani and after her death the subject premises devolved upon the Respondent/landlady along with her one sister and brother, both of whom have executed the relinquishment deed in favour of the Respondent/landlady through which she became the absolute owner of the subject premises. It was further contended before the learned Trial Court that the subject property is situated in Ranjit Nagar which is merely at a distance of two or three kilometres from the



matrimonial home of the daughter of the Respondent/landlady, and is on the ground floor unlike other accommodations, and hence the need is bona fide, and there is no suitable alternative accommodation available with the Respondent/landlady.

11.3 The learned Trial Court, after examining the evidence found that Petitioner/tenant by own its admission, stated that Smt. Janki Rani the predecessor-interest of the Respondent/landlady was the landlord, and base on the documents placed on record by the Respondent/landlady the ingredient of landlord-tenant relationship and ownership stands satisfied. The learned Trial Court further held that the need of a married daughter, is sustainable and the bona fides of the Respondent/landlady stand established.

11.4 As far as the contention that Respondent/landlady, has filed the Eviction Petition, as a ploy to re-sell/re-let out the subject premises, the learned Trial Court, recorded that the Petitioner/tenant is well-protected by the provision of Section 19 of the Act, on this aspect.

12. This Court in *Swaranjit Singh v. Saroj Kapoor*⁸, while dealing with similar issue, has held that the married daughter will be squarely covered under the definition of dependent, for the purpose of bona fide need. The relevant extract reads as follows:

"38. The Petitioners/Tenant has, however, averred that the bonafide requirement of a married daughter is unsustainable in law and as such she cannot be a dependent on the Respondent/Landlady as a member of her 'family'.

39. The Division Bench of this Court in Gobind Dass v. Kuldip Singh [AIR 1971 Del 151] has held that an extended meaning is to be given

⁸ 2023 SCC OnLine Del 7396



to the word 'family', under the provisions of the DRC Act observing that:

"The word "family" has not been defined in the Act and we feel advisedly so, the concept of what constitutes a family when a number of persons are related to are living together is not something static or capable of concise definition. What constitutes a family in a given set of circumstances or in a particular society depends upon the habits and ideas of persons constituting that society and the religious and socio-religious customs of the community to which such persons may belong..."

"... A remote relation may, in a given case of set circumstances be treated as a member of the family, whereas in another set of circumstances the same relation may not be legitimately called as a member of the family."

[Emphasis Supplied]

40. This Court finds that the bona fide requirement of a married daughter in an Eviction Petition under section 14(1)(e) of the DRC Act, has been considered and a consistent view has been taken that the requirement of a married daughter, would be the requirement of the Respondent/Landlady.

41. In a decision of a Coordinate Bench of this Court in Sunder Singh Talwar v. Kamal Chand Dugar, in which, while dealing with a similar factual situation, it was held that it is not a universal rule that a married daughter can never be dependent upon her parents:

"30. The Supreme Court in Joginder Pal v. Naval Kishore Behal, (2002) 5 SCC 397: AIR 2002 SC 2256, held as follows:

""24. We are of the opinion that the expression "for his own use" as occurring in Section 13(3)(a)(iii) of the Act cannot be narrowly construed. The expressions must be assigned a wider, liberal and practical meaning. The requirement is not the requirement of the landlord alone in the sense that the landlord must for himself require the accommodation and to fulfill the requirement he must himself physically occupy the premises. The requirement of a member of the family or of a person on whom the landlord is dependent or who is dependent on the landlord can be considered to be the requirement of the landlord for his own use. In the several decided cases referred to hereinabove



we have found the pari materia provisions being interpreted so as to include the requirement of the wife, husband, sister, children including son, daughter, a widowed daughter and her son, nephew, coparceners, members of family and dependents and kith and kin in the requirement of landlord as "his" or "his own" requirement and user. Keeping in view the social or socio- religious milieu and practices prevalent in a particular section of society or a particular region, to which the landlord belongs, it may be obligation of the landlord to settle a person closely connected with him to make him economically independent so as to support himself and/or the landlord. To discharge such obligation the landlord may require the tenancy premises and such requirement would be the requirement of the landlord. If the requirement is of actual user of the premises by a person other than the landlord himself the Court shall with circumspection inquire: (i) whether the requirement of such person can be considered to be the requirement of the landlord, and (ii) whether there is a close inter-relation or identify nexus between such person and the landlord so as to satisfy the requirement of the first query... ..

32. Hence, it is not a universal rule that married daughter cannot be dependent upon her father. Even otherwise in my opinion, in the present day and age it would be futile to argue that once the daughter is married she ceases to be responsibility of her father. A daughter has equal rights in the estate of the parents in case of intestate death. There can be no reason as to why the father would not like to settle his daughter in business or profession in the same way as he would like to settle his son The plea to the contrary in the present facts is completely misplaced. It may also be noted that in the present case there is a clear and categorical averment that the daughter does not own any other property in Delhi and is dependent on the father to be settled."

[Emphasis Supplied]

42. This Court is in agreement with this interpretation. In keeping with the times, a married daughter is certainly a member of the family of the Respondent/Landlady and her requirement could be



considered as the requirement of the Respondent/Landlady."

[Emphasis Supplied]

13. It is the contention of the Petitioner/tenant that the Respondent/landlady had alternate commercial accommodation available in the first, second and third floor of the same building where the tenanted premises are situated. The Respondent/landlady refuted the contention stating the "no suitable commercial accommodation" was available with the Respondent/landlady. The learned Trial Court examined these contentions and found that the landlady had stated that she requires tenanted premises for a boutique ladies' garments shop which would include a place for fabrication of clothes for stitching clothes, entertaining customers, displaying the garments and a trial room, etc. and thus substantial space was necessary.

13.1 The learned Trial Court in its Order dated 21.04.2015 examined the contention of alternate accommodation and allowed the Application for leave to defend/contest filed by the Petitioner/tenant only on the aspect of *bona fide* requirement. In the order dated 21.04.2015 it was held that the issue raised by the Petitioner/tenant of alternative accommodation of other floors on subject building, and another property in Beadon Pura, Karol Bagh is not sustainable, as the other floors of the suitable building were not available for commercial purposes, and there was no other property available with the Respondent/landlady. By the Impugned Order, the learned Trial Court, after examining the contentions of the parties, found that the alternate accommodation was either not available for commercial purposes or not suitable for business or not available with the Respondent/landlady at



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all. Thus, the Eviction Petition was allowed by the learned Trial Court.

14. The only contention which has been raised by the learned Counsel for the Petitioner is *qua* his Application being CM APPL. 30607/2024, filed under Section 151 of Civil Procedure Code, 1908 stating that the Petitioner/tenant is handing over the key of subject premises since he is unable to comply with the directions of payment of *mesne profits* as fixed by the Court.

14.1 Learned Counsel for the Respondent/landlady submits that the Judgments in the *Atma Ram Properties (P) Ltd. v. Oriental Insurance Co. Ltd.*⁹, which has been followed by the Supreme Court in the case of *Martin & Harris (P) Ltd. v. Rajendra Mehta*¹⁰ are applicable to this case.

14.2 The Supreme Court in the *Atma Ram* case and *Martin & Harris* case has directed that the tenant is required to pay *mesne profit* as compensation for use and occupation of the premises, once a decree for eviction is passed at the same rate which the landlord would have been able to get if the premises had been let out, and earned profit if the tenant would have vacated the premises. There is no discussion on affordability of the rental. The relevant extract of *Martin & Harris* case reads as follows:

"17. In Atma Ram Properties (P) Ltd. v. Federal Motors (P) Ltd. [Atma Ram Properties (P) Ltd. v. Federal Motors (P) Ltd., (2005) 1 SCC 705], this Court held that the appellate court does have jurisdiction to put reasonable terms and conditions as would in its opinion be reasonable to compensate the decree-holder for loss occasioned by delay in execution of the decree while granting the stay. The Court relying upon the provision the Delhi Rent Control Act,

⁹ (2018) 2 SCC 27

¹⁰ (2022) 8 SCC 527



observed that on passing the decree for eviction by a competent court, the tenant is liable to pay mesne profits or compensation for use and occupation of the premises at the same rate at which the landlord would have been able to let out the premises in the present and earn the profit if the tenant would have vacated the premises.

The Court has explained that because of pendency of the appeal, which may be in continuation of suit, the doctrine of merger does not have effect of postponing the date of termination of tenancy merely because the decree of eviction stands merged in the decree passed by the superior forum at a later date."

[Emphasis Supplied]

14.3 The contention as raised by the Petitioner/tenant in his Application was clearly contrary to the judgments of the Supreme Court in the ***Atma Ram*** case and ***Martin & Harris*** case. The Petitioner/tenant cannot be permitted to use subterfuge to overcome the process of the law as is being sought to be done in the present case.

15. In light of the aforesaid discussion, no ground to interfere with the Impugned Order has been made out by the Petitioner/tenant before this Court either.

16. In any event, after the passing of the Impugned Order, the Respondent/landlady obtained possession of the subject premises in accordance with law. As such the Revision Petition has been filed challenging the order of the learned Trial Court which has now gained fruition and was executed and has already been implemented through execution proceedings. This was recorded by the Court in its orders date 21.05.2024 and 28.10.2024. In these circumstances, the Revision Petition has become infructuous.

17. As stated above, the jurisdiction of this Court exercising revisionary



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powers is limited and circumspect. The Petitioner/tenant has not contended that Section 19 of Act has been violated. Relying on the judgment of the supreme Court in the *NC Daga* case and *Vinod Kumar Verma* case, the Court finds that this Petition has become infructuous and is accordingly dismissed.

18. Parties will act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

NOVEMBER 18, 2024/pa/r