



\$~75

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 136/2020 & CM APPL. 9526/2020, CM APPL. 9529/2020
MOHAN LALPetitioner

Through: Mr. V.K. Anand, Advocate

versus

VIRENDER KUMAR JAINRespondent
Through:

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER
17.09.2024

%

1. The counsel for the petitioner stated that the possession of the tenanted premises has already been taken over by the respondent in the year 2020 but he preferred to advance arguments on merit.
2. The respondent filed an eviction petition in respect of the tenanted premises i.e. one shop situated on the ground floor of the property bearing no. 2920/43(C), Beadon Pura, Karol Bagh, New Delhi-110005 on the ground of *bona fide* requirement of his son, namely, Gaurav Jain who wants to start to his business of the garments in the said shop as the respondent does not have any other suitable shop.
3. The petitioner after service of summons as per the Third Schedule of the Act filed an application for leave to defend along with affidavit. The trial court after considering the relevant facts dismissed the application for leave to defend and passed an eviction order in respect of the tenanted premises against the petitioner vide impugned judgment dated 10.10.2019. The



relevant portion of the impugned judgment reads as under:-

12. Therefore, in the light of the pleadings of the parties and other material placed before this court, in so far as the purpose of clause (e) of sub-section (1) of section 14 of Act 59 of 1958 is concerned, the petitioner is found to be the owner of the premise and it is also found that there exists relationship of landlord and tenant between the parties.

13. According to the respondent, the petitioner is in possession of sufficient alternative accommodation more than his requirements. However, the respondent has failed to support his averments with any supporting document.

14. On the other hand, petitioner has very categorically denied the availability of any alternative accommodation as alleged by the respondent. The petitioner has been able to bring supporting documents on record to discard the grounds raised by the respondent in his leave to defend application whereas the respondent has failed to file any supporting documents so as to disbelieve the bona-fide need of the petitioner.

XXXX

XXXX

XXXX

17. It is now well settled law that it is the petitioner himself, who is the best person to explain as to what is his/ her bona-fide necessity. As per the petitioner in the case in hand, the suit premises are required bonafidely, he is not having any other suitable and reasonable accommodation available with him throughout Delhi.

XXXX

XXXX

XXXX

19. A bald statement without supporting material does not give rise to a triable issue entitling tenant for leave to defend.

4. The perusal of the impugned judgment reflects that the trial court had discussed all the relevant issues and has taken pleas of all the important necessary ingredient of section 14 (1)(e) of Delhi Rent Control Act, 1958. The impugned judgment does not require any interference in this case and accordingly upheld.

5. In view of the law laid down by this Court in case once the possession



of the tenanted premises is taken over by the landlord, the present revision petition is not maintainable.

6. Accordingly, the present petition is dismissed along with pending applications, if any.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 17, 2024

j