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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 188/2024 & CM APPL. 40110/2024, CM APPL. 40111/2024**

M/S AMAR UDYOG & ANR.

.....Petitioners

Through: **Mr. Shekhar Dasi, Mr. Md. Talha,
Mr. Ayush Dassi, Advocates**

versus

**RAJAN JAIN @ RAJENDRA KUMAR JAIN @ RAJAN KUMAR
JAIN & ORS.**

.....Respondents

Through: **Mr. Akhil Mittal, Mr. Sunil Mittal,
Mr. Vineet Kr. Mishra, Ms. Priyanka
Prajapati, Advocates for R-1 and 2**

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

22.07.2024

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1. The present revision petition is filed under section 25B (8) of Delhi Rent Control Act, 1958 to set aside the order dated 15.03.2024 passed by the court of Sh. Harjeet Singh Jaspal, SCJ-Cum-RC, Central District, Tis Hazari Court, Delhi in RC/ARC No.925/2019 titled as **Rajan Jain @ Rajendra Kumar Jain & Anr. V Amar Udyog & Ors.**
2. The respondent nos.1 and 2 filed an eviction petition bearing RC/ARC No.925/2019 titled as **Rajan Jain @ Rajendra Kumar Jain & Anr. V M/s Amar Udyog & Ors.**
3. The petitioners after service of summons as per the third schedule, filed an application for grant of leave to defend along with necessary



affidavit. The petitioners also filed an application under Order 7 Rule 11 CPC.

4. The court of Sh. Harjeet Singh Jaspal, SCJ-Cum-RC, Central District, Tis Hazari Court, Delhi vide order dated 15.03.2024 has dismissed the application under Order 7 Rule 11 CPC and granted conditional leave to defend to the petitioners as reflected from the para no.49 of the impugned order dated 15.03.2024. It was also observed that the petitioners were not permitted to lead any evidence on landlord and tenant relationship.

5. The counsel for the petitioners stated that the petitioners are claiming to be the owners of half portion of the property in dispute and as per the settled law, the respondent nos.1 and 2 cannot file an eviction petition against the petitioners who are the co-owners of the property in dispute. Accordingly, he prayed that the petitioners be granted absolute leave to defend the eviction petition and without any condition.

6. Mr. Akhil Mittal, Advocate appearing on behalf of the respondent nos.1 and 2 stated that the petitioners may be granted leave to defend unconditionally and may be permitted to lead the evidence on the relationship of the landlord and tenant between parties but the trial court be directed to dispose of the eviction petition within a time bound manner.

7. Accordingly, the leave to defend granted to the petitioners vide order dated 15.03.2024 is made absolute and the petitioners are also permitted to lead evidence on the relationship of the landlord and tenant and all other issues as raised in application for leave to defend along with affidavit. The respondents shall also be at liberty to raise the pleas and the contentions as per the pleadings.

8. The trial court is directed to expedite the disposal of the eviction



petition bearing RC/ARC No.925/2019 as early as possible preferably within a period of 01 year from the date of receipt of this order.

9. The present petition along with pending application stands disposed of.

DR. SUDHIR KUMAR JAIN, J

JULY 22, 2024/j/am