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

% ***Date of decision: 23rd July, 2024***

+ **CM(M) 2968/2024 & CM APPL. 40691-40692/2024**

M/S MAHALAXMI HARDWARE

.....Petitioner

Through: **Mr. A P S Ahluwalia, Sr. Advocate
with Mr. Hemant Malhotra, Mr. S S
Ahluwalia, Mr. Pankaj Malhotra,
Advocates.**

versus

NEETU GUPTA

.....Respondent

Through: **Appearance not given.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defending one Eviction Petition filed on the ground of *bona fide* requirement under Section 14(1)(e) of Delhi Rent Control Act, 1958.
2. The tenant is aggrieved by order dated 18.05.2024 whereby his application moved under Order VIII Rule 1 A read with Section 151 CPC has been dismissed.
3. It has been contended by Mr. A P S Ahluwalia, learned Senior counsel for petitioner that the documents are very relevant and significant in context of the said eviction petition and there is no observation in the impugned order with respect to the aspect related to its relevancy. It is contended that there are certain transactions of immovable property, post the filing of the Eviction Petition and, therefore, the learned Trial Court should have permitted these



documents to be placed on record.

4. Learned Counsel for the respondent appears on advance notice and states that these documents have no relevancy as the executant of these documents is not the land-lady herself.

5. However, during the course of consideration, learned counsel for the respondent submitted that he did not want to cause any further delay in his eviction petition and would have no objection if these documents are permitted to be placed on record by the tenant.

6. Learned counsel for petitioner/tenant submits that he would confront the land-lady with these documents and, therefore, he would be requiring her presence for further cross-examination. He also states that he would have no objection if the land-lady wants to examine any witness in relation to the documents proposed to be submitted vide application moved under Order VIII Rule 1 A read with Section 151 CPC.

7. Learned counsel for petitioner states that there is no intention on the part of the tenant to delay the matter and the tenant would render due assistance to learned Trial Court so that the Eviction Petition reaches its logical end without any delay.

8. The case, reportedly, is at the stage of respondent's evidence which is yet to begin.

9. Keeping in mind the overall facts and circumstances of the case, the nature of the Eviction Petition and the concession given by learned counsel for respondent, the present petition is disposed of with the direction that the documents filed by the tenant by moving the above application under Order VIII Rule 1 A read with Section 151 CPC are permitted to be brought on record. Consequently, the land-lady-Ms. Neetu Gupta would also be



permitted to enter into witness box for the purposes of cross-examination, limited to the aspect related to aforesaid documents.

10. The land-lady would also be permitted to call any other witness, with the permission of the Court, whose evidence is found to be important in context of the aforesaid documents.

11. Before parting, this Court would like to clarify that it may not be understood as if the Court has admitted the above documents and it would be open to the learned Trial Court to consider the documents and to take appropriate call with respect to these documents at the stage of final adjudication.

12. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 23, 2024/sw