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

\+ C.R.P. 2/2024

SUDHA JAIN ..... Petitioner

Through: Mr. Sudhir Mendiratta and Mr. Naveen Sharma, Advs.

versus

SURENDER KUMAR VERMA ..... Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE DHARMESH SHARMA

O R D E R

% 04.01.2024

CM APPL. 194/2024 (Ex.)

1. Allowed, subject to all just exceptions.

2. The application shall stand disposed of.

C.R.P. 2/2024 and CM APPL. 193/2024 (Stay)

3. This is a revision petition under Section 115 of the Code of Civil Procedure, 1908 (CPC) r/w Article 227 of the Constitution of India, whereby the petitioner is assailing the impugned order dated 11.10.2023 passed by the learned Civil Judge-07, (Central), Tis Hazari Courts, Delhi, whereby her application under Order VII Rule 11 CPC as well as application under Order 1 Rule 10 CPC were dismissed.

4. No one is present on behalf of the respondent/plaintiff despite advance notice.

5. Having heard learned counsel for the petitioner as also the AR of the Petitioner, I find that the present revision petition is bereft of any merits. The case of the plaintiff, who is the respondent in the

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present revision petition, is that he is a tenant under the petitioner/defendant in respect of the shop in question. He is seeking relief of possession and permanent injunction alleging that he has been forcefully ousted and thrown out of the tenancy shop.

6. On the application under Order VII Rule 11 CPC by the petitioner/defendant, learned Trial Court has rightly observed that the defence of the petitioner/defendant denying relationship of landlord and tenant cannot be considered and the pleadings read as a whole prima facie bring out a cause of action to sustain the suit.

7. Further, the application under Order 1 Rule 10 CPC for deletion of the defendant from the array of parties has been found to not be maintainable, and rightly so.

8. This Court is of the opinion that the impugned order does not suffer from any illegality, perversity or incorrect approach in law. The revision petition is accordingly dismissed.

DHARMESH SHARMA, J.

JANUARY 4, 2024
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