



\$~19

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

+ **RC.REV. 215/2017**

VIJAY PRAKASH AMAR

.....Petitioner

Through: Ms. Radhika, Advocate

versus

MOHAMMAD SAEED

.....Respondent

Through: Mr. Jai Sahai Endlaw,
Ms. Shambhavi Kala, Advocates

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

24.09.2024

%

1. The present revision petition is filed under section 25-B (8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as “**the Act**”), to impugn the order dated 19.11.2016 passed by the court of Ms. Namrita Aggarwal CCJ-cum-ARC-1 (Central), Tis Hazari Courts, Delhi (hereinafter referred to as “**the trial court**”) in eviction petition 226/2015 (old) & 79370/2016 (new) whereby the application for leave to defend filed by the petitioner/tenant was dismissed.

2. The respondent/landlord filed an eviction petition under section 14(1)(e) read with section 25B of the Act, against the petitioner/tenant on the ground of *bona fide* need. The petitioner/tenant, after service of summons as per the Third Schedule, filed an application for leave to defend which was dismissed by the trial court vide the impugned order dated 19.11.2016, as a consequence of which, an eviction order was passed in



favour of the respondent/landlord.

3. The petitioner being aggrieved filed the present petition.

4. The counsel for the respondent stated that the possession of the tenanted premises has already been restored back to the respondent in the year 2017 and as such the present petition has become infructuous.

5. Ms. Radhika, Advocate appearing on behalf of the petitioner seeks short accommodation. However, the view taken by this Court in RC.REV. 284/2023 titled as **Om Prakash Ashok Kumar & Sons V Shri Ajay Khurana**, the present petition has become infructuous since the possession has already been restored back to the respondent/landlord in the year 2017.

6. Accordingly, in view of the above observations made in the judgment dated 26.07.2024 passed in RC.REV.284/2023 and as the possession of the tenanted premises is already restored to the respondent in execution of warrant of possession in accordance with law, as such, the present revision petition has become infructuous, hence dismissed along with pending applications.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 24, 2024/j