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

+ **RC.REV. 21/2017 & CM APPL. 2070/2017**

RAM BALLABH SAHU & ANR

.....Petitioners

Through: Mr. Gopal Sharma, Advocate
versus

SACHIN SAINI

.....Respondent

Through: Mr. Akash Verma, Mr. Sikander
Singh and Ms. Madhavi Bhatiya,
Advocates

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

22.08.2024

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1. The present petition is filed under section 25B(8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as “**the Act**”) to impugn the order dated 05.08.2016 passed by the court of Sh. Amit Arora, ACJ/CJ/ARC, North District, Rohini Courts, Delhi in eviction petition bearing E no.161/2016 titled as **Sachin Saini V Ram Ballabh Sahu and Anr.**

2. The respondent filed an eviction petition under section 14(1)(e) of the Act on the ground of *bona fide* need against the petitioners. The petitioners after service of summons as per the Third Schedule of the Act filed an application for leave to defend which was ordered to be dismissed vide order dated 05.08.2016 and as a consequence of which an eviction order in respect of the premises bearing no. B-27/A, Block No. A & B, Gali No. 4, Swaroop Vihar, Delhi (hereinafter referred to as “**the tenanted premises**”) as shown in red color was passed. The petitioner being aggrieved filed the present petition.

3. The counsel for the petitioner stated that the area where the tenanted



premises is located does not fall within the ambit of the Delhi Rent Control Act, 1958 and as such the present eviction petition is not maintainable.

4. The counsel for the respondent in his fairness stated that although the area has already been urbanized as per notification dated 16.05.2017 in exercise of the power conferred as per section 507(a) of the Delhi Municipal Corporation Act, 1957 but there is no notification under the Delhi Rent Control Act, 1958 for application of the Act in the area where the tenanted premises are situated. Accordingly, the eviction order dated 05.08.2016 is set aside for want of jurisdiction and as a consequence of which the eviction petition also stands dismissed.

5. The respondent shall also be at liberty to initiate appropriate legal proceedings for recovery of the tenanted premises subject matter of the present petition.

6. Accordingly, the present petition stands disposed of.

DR. SUDHIR KUMAR JAIN, J

AUGUST 22, 2024

Sk/ak/abk