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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 607/2018 & CM APPL. 52783/2018**
RAKESH KUMAR (DECEASED) THR LRSPetitioner
Through: **Mr. Kishan S. Rawat, Advocate with**
Mr. Jitender K. Garg, Advocates

versus

ASHOK KUMAR & ANRRespondents
Through: **Mr. Vinay Kant Singh, Advocate for**
R-2

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

% **21.08.2024**

1. The present revision petition is filed under section 25B (8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as “**the Act**”) to quash the order dated 04.09.2018 passed by the court of Sh. Gajender Singh Nagar, ACJ-cum-ARC, Central District, Tis Hazari Courts, Delhi in case bearing E no.-78343/2016 titled as **Rakesh Kumar (Since Deceased through LRs) V Ashok Kumar & Anr.**
2. The petitioner filed an eviction petition against the respondent for the *bona fide* requirement in respect of Shop no.1, Ground floor situated at property no. 2901 (Part), Sirkiwalan, Delhi – 110006 (hereinafter referred to as “**the tenanted premises**”).
3. The respondent after service of summons as per the Third Schedule of the Act, filed an application for leave to defend which was order to be allowed vide order dated 04.09.2018 by making the following observations:-

15. Coming to the merits of the application in hand, as per the sale deeds filed by the respondent no.2, one shop was sold to Ms.



Shivani Jindal on 07.03.2014; one shop on the ground floor was sold to Sh. Anil Kumar Gupta on 05.12.2011; roof rights of third floor were sold to Mohd. Gulrez Khan and Ms. Fozia Begum on 05.12.2011; one shop on the ground floor was sold to Sh. Ashok Kumar on 24.09.2015; one shop on the ground floor was sold to Ms. Renu Jindal on 31.12.2015 and one shop on the ground floor was sold to Sh. Ashok Kumar on 31.12.2015.

16. In view of the fact that the petitioner has not filed the complete site plan showing all the shops in his co-ownership alongwith the status qua ownership/ tenancy of that shops, hence to ascertain the sufficiency/insufficiency and suitability of the existing alternate accommodation in possession of the petitioner is a subject matter of trial. The fact that even after filing of the present petition in February, 2015, the petitioner and his legal heirs kept on selling the shops in the same building is also a subject matter of trial to decide their requirement, which cannot be decided summarily.

4. The counsel for the petitioner stated that after completion of the pleadings in the trial arising out of the eviction petition bearing E no.-78343/2016, the evidence on behalf of the petitioner has already been commenced. It is prayed that present petition be disposed of by giving a timeline for the trial court to conclude the trial arising out of the eviction petition bearing E no.-78343/2016.

5. Accordingly, the present revision petition is disposed of with the direction to the trial court to conclude the trial arising out of eviction petition bearing E no.-78343/2016 preferably within a period of 09 months from the date of receipt of this order.

6. The counsel for the parties are directed to make every possible efforts for early conclusion of the trial and shall not seek any adjournment without a justified ground.



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

DR. SUDHIR KUMAR JAIN, J

AUGUST 21, 2024/j/ak/abk