



\$~51

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

+ **RC.REV. 101/2023**

LATE SH S.M YAHYA CHHABRA SINCE DECEASED
THROUGH ASAD YAHYA CHABRAPetitioner

Through: Mr. Siddhant Nath, Mr. Bhavishya
Makhija and Mr. Amaan Khan,
Advocates

versus

JAGDISH KUMAR & ORS.Respondents

Through: Mr. Rajiv Bajaj, Advocate

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

31.01.2025

%

1. The present Petition seeks to challenge the Order dated 06.02.2023 passed by the learned CCJ-cum-ARC (Central), Tis Hazari Court, New Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the leave to defend/contest filed by the Respondents/tenants has been allowed.
2. Learned Counsel appearing on behalf of the parties have addressed arguments in the present Petition.
3. With the consent of the parties, the Impugned Order is modified to a limited extent. On the aspect of the ownership and the landlord-tenant relationship, there is no dispute amongst the parties. In addition, the *bona fide* need that has been set out is also not disputed except for the fact that there are alternate accommodations available.
4. It is therefore directed that the limited adjudication that the learned



Trial Court is to undertake is on examination of the seven alternate accommodations as are available with the Petitioner/landlord. The details of the seven accommodation are set out below:

- (i) Shop No. 1000-1008, Pan Mandi, Sadar Bazar, Delhi-110006;
- (ii) Property bearing no. 392-394, Old Post Office Street, Sadar Bazar, Delhi-110006;
- (iii) Property no. 4891 and 4892 Half, Main Chandni Chowk, Delhi-110006;
- (iv) Property No. 1046, Mohalla Kisanganj, Teliwara, Azad Market, Delhi-110006;
- (v) Property no. 1131, Mohalla Kisanganj, Teliwara, Azad Market, Delhi-110006;
- (vi) Property No. 4936, Main Chandni Chowk, Delhi-110006; and
- (vii) Property No. 4870-71 (A&B), Main Chandni Chowk, Katra Subhash, Delhi-110006.

5. The Petition is disposed of with the foregoing directions. All pending Applications stand closed.

6. It is clarified that this Order is being passed without prejudice to the rights and contentions of both parties and all rights and contentions of both the parties have been left open with respect to the limited issue to be adjudicated before the learned Trial Court.

7. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 31, 2025

g.joshi/ ha

Click here to check corrigendum, if any