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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 26th, August, 2025

+ CM(M) 19/2025 & CM APPL. 4734/2025

JITENDER KUMAR

.....Petitioner

Through: Mr. Piyush Gupta, Mr. Sudhanshu
Sharma, Mr. Atishay Jain and Ms.
Tarang, Advocates

versus

KAMLESH GARG

.....Respondent

Through: Mr. Ravish Kumar Goyal, Mr. Vinit
Kumar and Mr. Aashrey Singh,
Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition seeks exception to order dated 22.08.2024 whereby the learned Controller has refused to grant any permission to tenant (petitioner herein) to amend his application whereby he is seeking *leave to defend*.
2. By virtue of application moved under Order VI Rule 17 CPC, the tenant wanted incorporation of two new paras as 10-A and 10-B. Such proposed paras read as under:-

“10A. That the deponent herein submits that the petitioner is misleading this Hon’ble court of law by stating that the petitioner wants the suit premises for her grandson. It is pertinent to mention here that her grandson, namely, Deepanshu Garg is duly acting as operating partner of a partnership firm named as “Janardan Industries” being GSTIN 09AAPFJ0081MIZW situated at P-78, Textile Centre Pilkhuwa- District Hapur (UP-245304). Further it is pertinent to mention here that the said firm is duly registered with the GST department and records are emphatically showing that grandson of the petitioner herein i.e. Sh. Deepanshu Garg is the partner of said partnership firm. Moreover, U.P. Pollution control board also sent notice to Deepanshu Garg (Grandson of the petitioner) stating him as partner of the above-stated Janardan Industries, which makes it crystal clear that entire story of petitioner in its eviction petition was misleading and concocted. Copy of GST records,



Photographs, notice of UPPCB and visiting card of partnership firm namely, Janardan Industries is annexed herewith and same is marked as ANNEXURE R1-A.

10B. That the petitioner herein is owner of one Shop bearing no. 501, Teliwara, Shahdara, which is absolutely lying vacant and one street vendor is a tenant of the petitioner herein, who use to place his shop on footpath i.e. in front of the above stated shop of the petitioner. It is pertinent to mention here that the said street vendor pay rent/charges to the petitioner in order to place his shop/stall in front of above-stated shop of the petitioner. Accordingly, it can be seen that the petitioner herein is already in possession of one more shop/alternate accommodation. Current photographs of the shop bearing no. 501, Teliwara, Shahdara is annexed herewith and same is marked as ANNEXURE R1-B”.

3. After hearing arguments, learned counsel for petitioner/tenant submits that he does not press incorporation of the averments made in the proposed Para 10-A as above and learned counsel for respondent/landlord, without prejudice to his rights and contentions, submits that he would have no objection if the averments made in the Para 10-B are directed to be incorporated. He supplements that his such concession may not be construed as any expression with respect to admission of any fact.
4. In view of the above, the present petition is allowed in part and the tenant is permitted to incorporate aforesaid Para 10-B in his application seeking *leave to defend*.
5. The matter is reportedly fixed for further consideration before the learned Controller tomorrow and the landlord would be at liberty to file additional affidavit with respect to incorporation to Para 10-B only.
6. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 26, 2025/dr/js