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

+ **CM(M) 1236/2018 & CM APPL. 42336/2018**

DHARAM PAL THROUGH LRS

.....Petitioners

Through: Mr. Daljinder Singh and Mr. Avineet
Singh, Advocates

versus

OM PRAKASH THROUGH LRS

.....Respondents

Through: Mr. Ranjan Chaudhary, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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25.09.2025

1. Petitioners have assailed order dated 12.07.2018 of the learned trial court, whereby his application under Order VII Rule 11 CPC read with Section 2(e)(i) of the Delhi Rent Control Act was dismissed.
2. According to petitioners, the subject property was a vacant land at the time when it was let out, therefore, the subject of the tenancy is not premises under the meaning of Section 2(i) of the Delhi Rent Control Act. On this aspect, the learned Additional Rent Controller in the impugned order took a view that neither the petitioner in his eviction petition nor the respondent in his application for leave to defend has mentioned the specific date on which the tenancy commenced. Accordingly, the application of the present petitioners was dismissed.
3. It is specifically stated by learned counsel for petitioners that application for leave to defend is still pending before the learned Additional Rent Controller.



4. On being pointed out the settled legal position that while considering an application under Order VII Rule 11 CPC, the court cannot travel beyond plaintiff (*eviction petition in the present case*), learned counsel for petitioners on instructions seeks permission to withdraw this petition so that petitioners may file appropriate application under Order XI CPC to elicit from the present respondents the date of commencement of tenancy.

5. As requested, the petition and the accompanying application are dismissed as withdrawn with liberty as sought.

GIRISH KATHPALIA, J

SEPTEMBER 25, 2025/as