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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 509/2016, CM No.39160/2016 (for stay) and CM
No.43794/2016 (for preponment of date).

MANIK CHANDRA AUDDY Petitioner
Through: Mr. S.S. Ahluwalia and Mr. Jatin
Teotia, Advs.

versus

TEK CHAND Respondent
Through: Mr. Sumesh Gandhi, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.10.2017**

1. This Rent Control Revision Petition under Section 25B(8) of the Delhi Rent Control Act, 1958 impugns the order [dated 18th April, 2016 in Case No.E-78/15 of the Court of Additional Rent Controller-1 (Central), Tis Hazari Courts, Delhi) of dismissal of the application filed by the petitioner / tenant for leave to defendant the petition for eviction filed by the respondent / landlord under Section 14 (1) (e) of the Act and the consequent order of eviction of the petitioner / tenant from one shop on the ground floor in the premises no.36/3093, Beadonpura, Karol Bagh, New Delhi.

2. The petition came up before this Court first on 24th October, 2016 and after several adjournments was taken up for hearing on 2nd November, 2016. The counsel for the petitioner / tenant, after making arguments, stated that the petitioner / tenant would be ready to settle the matter with the respondent / landlord if some reasonable time is given to vacate the property. On this limited submission, notice was ordered to be issued to the respondent / landlord and the execution of the order of eviction was stayed. Thereafter,

again the matter was adjourned from time to time. On 20th December, 2016, the counsel for the petitioner / tenant stated that the petitioner / tenant desired 18 months time to vacate the property. However the counsel for the respondent / landlord was not agreeable and thus the matter was again adjourned.

3. Today, the counsel for the petitioner / tenant states that the petitioner / tenant is not interested in seeking time to vacate the subject premises and wants to challenge the impugned order of eviction on merits.

4. The petitioner / tenant, after having notice of this petition issued on the limited aspect of wanting time to vacate the premises and after having secured stay of the order of eviction on the said basis cannot now be permitted to renege therefrom and to re-argue the matter. From the order dated 2nd November, 2016 it is clear that only after the counsel for the petitioner / tenant had failed to convince this Court to entertain the petition, did the counsel confine the relief in the petition to grant of reasonable time to vacate the premises.

5. The counsel for the petitioner / tenant has argued that on 20th December, 2016 this Court, after recording that no settlement could be arrived at, adjourned the matter “for arguments”.

6. Merely because this Court, without advertent to the earlier order dated 2nd November, 2016, adjourned the matter for hearing the arguments would not entitle the petitioner / tenant to any benefit. If the intent of this Court was to relieve the petitioner / tenant from the statement made on 2nd November, 2016 and / or if this Court were to, on that date, be of the opinion that there was something worth considering in the petition as distinct from

when the Court had on 2nd November, 2016 not found any merit therein, reasons therefor would have been given.

7. The conduct of the petitioner / tenant is found to be dishonest and bordering on contempt

8. The petitioner / tenant being no longer interested in time, on which limited aspect notice of petition was issued, the petition is dismissed.

9. Though ordinarily this Court would not pass any further orders but since the petitioner has abused the process of this Court and thereby already availed / gained one year's time, to the prejudice of the respondent / landlord, it is the bounden duty of this Court to now ensure that the respondent / landlord is immediately put into possession of premises.

10. Issue warrants of possession of the premises with respect to which order of eviction has been passed and as shown in the site plan filed along with the petition for eviction. The warrants of possession, if not prepared by this Court be prepared by the Court which passed order of eviction.

11. The respondent / landlord to, along with a copy of this order, appear before the Administrative Civil Judge, Central on 3rd November, 2017.

12. The Administrative Civil Judge is requested to allocate bailiff to the respondent / landlord for execution of the warrants of possession for 6th November, 2017.

13. Warrants of possession are ordered to be executed with Police aid and by breaking open locks and doors. The Station House Officer (SHO), Police Station Karol Bagh is directed to render all necessary assistance for execution of the warrants of possession.

14. A copy of this order be given *dasti* under signatures of Court Master to the counsel for the respondent / landlord for presenting before the Administrative Civil Judge, Central. The counsel for the respondent / landlord to supply the copy of the site plan filed along with the petition for eviction demarcating the tenancy premises to the Administrative Civil Judge, Central.

Dasti under signatures of Court Master.

RAJIV SAHAI ENDLAW, J

OCTOBER 31, 2017

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