

E. No.203/19

New No.866/19

15.09.2020

Ved Prakash Vs. Punjab National Bank

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: Mr. Vineet Hans, Ld. Counsel for the petitioner.

None for respondent.

Ld. Counsel for the petitioner submits that since application for leave to defend has not been filed by the respondent, eviction order may be passed against the respondent.

Arguments are heard and the record is perused.

As per the report of the Ahlmad, application for leave to defend has not been filed. Even if application for leave to defend has not been filed, the court still ought to satisfy itself that all ingredients of section 14(1)(e) of DRC Act have been made out. In this context, reliance is placed upon the decision of the Hon'ble High Court of Delhi in the case of Ramesh Basandara Vs. Moti Ram, 2003 RLR 539.

The present petition has been filed on the ground that the petitioner is the co-owner and landlord and respondent is the tenant of property no. XV/2338, Ground Floor, Chuna Mandi, Paharganj, New Delhi, as shown in red colour in the site plan filed alongwith the eviction petition (hereinafter referred to as the tenanted premises).

It is pleaded that the tenanted premises is bonafide required by the petitioner for his son's business and that they do not have any other reasonably suitable accommodation for this purpose.

Section 25-B (4) of the Delhi Rent Control Act provides that the tenant shall not contest the prayer for eviction unless he files an affidavit stating the ground on which he seeks to contest the application for eviction and obtains leave from the controller. Such leave for contesting has to be sought within 15 days from service of summons on 05.12.2019. Since such leave has not been sought within 15 days, the assertions

made by the landlord in the application for eviction shall be deemed to be admitted by the tenant and the petitioner shall be entitled for an order for eviction on the said ground.

The respondent is deemed to have admitted that petitioner is co-owner of the tenanted premises and that there exists a relationship of landlord and tenant between the petitioner and the respondent. He is also deemed to have admitted that the petitioner requires the premises bona fide for his son who is dependent upon him and that they do not have any other reasonably suitable accommodation. Therefore, the eviction petition u/s 14 (1) (e) of Delhi Rent Control Act is allowed and an eviction order is passed u/s 14 (1) (e) r/w Section 25-B of Delhi Rent Control Act in favour of the petitioner and against the respondent in respect of property no. XV/2338, Ground Floor, Chuna Mandi, Paharganj, New Delhi, more specifically shown in red colour in the site plan filed with the eviction petition. It is made clear that the petitioner shall not be entitled to get the eviction order executed before the expiry of six month running from today.

File be consigned to Record Room.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.92/09

New No.78029/16

15.09.2020

Mohd. Jamil Ors. Vs. Mohd. Yunus Ors.

File was not taken up on 04.06.2020 in view of the order bearing no. 10718-10818/DJ Central/Lockdown COVID-19/AD&SJ Duty & Arrangements/2020 dated 30.05.2020 passed by the Hon'ble District & Sessions Judge (HQ) and the matter was adjourned to 15.09.2020.

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: None.

As no one has appeared today, matter is adjourned for payment of cost to the respondents and subject to the payment of cost for arguments on applications of the legal heirs of the petitioner under Order 22 Rule 3 r/w Section 151 Code of Civil Procedure and under Section 5 of the Limitation Act to 09.12.2020.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

At this stage, Ld. Proxy Counsel for the respondent has appeared.

He has been apprised of the next date of hearing.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.409/14

New No.77663/16

15.09.2020

Ziauddin Vs. Qamruddin

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: None.

An e-mail has been received by the Court from Mr. A.C. Bhasin, Ld. Counsel for the petitioner stating that he is unable to appear before the Court today physically. He requests that the matter be taken up through video conferencing.

The request for adjournment of Mr. A.C. Bhasin, Ld. Counsel is allowed and the matter is adjourned for purpose fixed to 27.10.2020.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.526/14

New No.79850/16

15.09.2020

Vinay Shanker Sharma Vs. Virender Kumar Anr.

File was not taken up on 08.05.2020 in view of order bearing no. 7854-7964/DJ Central/Lockdown COVID-19/AD&SJ Duty & Arrangements/2020 dated 02.05.2020 passed by the Hon'ble District & Sessions Judge (HQ) and matter was adjourned to 04.06.2020.

File was not taken up on 04.06.2020 in view of the order bearing no. 10718-10818/DJ Central/Lockdown COVID-19/AD&SJ Duty & Arrangements/2020 dated 30.05.2020 passed by the Hon'ble District & Sessions Judge (HQ) and the matter was adjourned to 15.09.2020.

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: None.

As no one has appeared today, matter is adjourned for arguments on the application of respondent for bringing on record additional facts, to 10.02.2021.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.14/15

New No.78372/16

15.09.2020

Rabia Khatoon Ors. Vs. Salamat

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: None for petitioners.

Ld. Proxy Counsel for the respondent alongwith respondent in person.

As no one has appeared on behalf of the petitioners, matter is adjourned for arguments on application for leave to defend to 19.01.2021.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.109/16

New No.80860/16

15.09.2020

Chittar Mal Vs. M/s Hansraj Jain and Sons Ors.

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: None.

As no one has appeared today, matter is adjourned for payment of costs and for arguments on application for leave to defend to 08.02.2021.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.58/17

New No.704/17

15.09.2020

Akhtar Jahan Vs. Liyakat Ali

File was not taken up on 04.06.2020 in view of the order bearing no. 10718-10818/DJ Central/Lockdown COVID-19/AD&SJ Duty & Arrangements/2020 dated 30.05.2020 passed by the Hon'ble District & Sessions Judge (HQ) and the matter was adjourned to 15.09.2020.

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: Ld. Proxy Counsel for the petitioner.
None for the respondent.

The application under Section 15(1) of the Delhi Rent Control Act r/w Section 151 Code of Civil Procedure is taken up for consideration.

It is averred in the application that the respondent is required to pay rent from September, 2012 till 31.08.2013 at the rate of Rs. 300/- per month and from 01.09.2013 at the rate of Rs.330/- per month.

However, on perusal of the written statement, it is noticed that in paragraph no. 5, the respondent has stated that he has been paying monthly rent to the petitioner. However, no receipts are being issued. He has also denied that the rate of rent was enhanced to Rs.330/- per month.

At this stage, Ld. Proxy Counsel for the petitioner prays for an adjournment on the ground that the Ld. Main Counsel is not available for addressing arguments.

Request is allowed.

Matter is adjourned for arguments on the aforesaid application to 16.02.2021.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.121/19

New No.657/19

15.09.2020

Kamlesh Aggarwal Vs. Keshav Mehta

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: Mr. Vikram Aggarwal, Ld. Proxy Counsel for the petitioner.
Respondent Mr. Lalit Mehta in person.

Record is perused.

Two applications for leave to defend are pending for consideration. One of the applications have been filed by respondent no. 4 and the other application has been filed by respondents no. 5 to 7.

Ld. Proxy Counsel for the petitioner submits that the application filed by respondent no. 4 has been filed belatedly as it was filed on 19.12.2019. He draws the attention of the Court to order dated 02.11.2019.

Respondent Mr. Lalit Mehta prays for an adjournment on the ground that his Counsel is unable to appear before the Court today, since he is suffering from Covid.

Ld. Proxy Counsel for the petitioner submits that a short date of hearing be given.

In these circumstances, matter is adjourned for arguments on the aforementioned two applications for leave to defend to 21.10.2020.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

E. No.698/14

New No.80609/16

15.09.2020

Ravinder Kumar Khanna Vs. Jawahar Lal Anr.

File was not taken up on 26.03.2020 in view of the order no. 159/RG/DHC/2020 dated 25.03.2020 passed by the Hon'ble High Court of Delhi and the matter was adjourned to 15.09.2020.

The present matter has been taken up for hearing today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: None.

As no one is present, matter is adjourned for final arguments to 09.02.2021.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

Ex. No.3/20 & New No.

15.09.2020

Nitin Garg Vs. Naresh Kumar Arora

File was not taken up on 24.07.2020 in view of order bearing no. 24/DHC/2020 dated 13.07.2020 passed by the Hon'ble High Court of Delhi and the matter was adjourned to 28.11.2020. However, the case has been taken up today on filing of an application under Section 151 Code of Civil Procedure by the decree holder for early hearing of the case. The case has been taken up today by way of physical hearing in compliance of order bearing no. 23456-23616/DJ(HQ)/Covid Lockdown/Physical Courts Roster/2020 dated 30.08.2020.

Present: Decree holder in person.

Arguments are heard and the record is perused.

The request of the decree holder for early hearing of the case is allowed and the matter is taken up for consideration.

An application for furnishing mobile number and e-mail address of the judgment debtors is filed by the decree holder.

Application is allowed and the details mentioned in the application are taken on record.

Arguments are heard and the record is perused.

The application for early hearing has been filed on the allegation that the judgment debtors have not honoured the undertaking given by them before the Hon'ble High Court and therefore, warrants of possession ought to be issued.

It ought to be verified whether the judgment debtors have indeed not complied with the undertaking.

On filing of PF, issue notice of the application under Section 151 Code of Civil Procedure dated 29.08.2020 for service upon the judgment

-2-

debtors through WhatsApp and e-mail address mentioned in the application filed today, returnable on the date already fixed in the present case i.e. 28.11.2020.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020

At this stage, Mr. Yash Mittal, Ld. Proxy Counsel for the decree holder has appeared. He has been informed of the next date of hearing.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
15.09.2020