

**RC/ARC No.149/2019
Neelam Mehta Vs. Vijay Kumar**

(Through V/C Cisco-Webex)

13.07.2020

At 02:00 PM to 02:10 PM


Present : Sh. Kamal Mehta, Ld. Counsel for the petitioner.

Sh. Varun Sikka, Ld. Counsel for the respondent.

Ld. Counsel for the petitioner has sought further 4 weeks' time to file reply to the leave to defend application. Same is not opposed.

Let, the reply be filed within 4 weeks with advance copy to the respondent, who may file rejoinder (if any) by next date of hearing.

Be listed for arguments on leave to defend application on **01.09.2020**. A scanned copy of order sheet be sent to the Coordinator of Computer Branch for uploading it on the website, as per procedure.


(RAJINDER KUMAR)
SCJ-cum-RC (West), THC
Delhi: 13.07.2020

**RC/ARC No.25393/2016
Parvati Devi Vs. Gurvinder Singh & Ors.**

(Through V/C Cisco-Webex)

13.07.2020


At 02:15 PM to 02:50 PM

Present : Sh. T.C. Sharma, Ld. Counsel for the petitioner.

Sh. Aman Mehta, Ld. Counsel for the respondent.

F.A heard partly.

Be listed for remaining F.A on **10.08.2020** and **11.08.2020**. Parties may send their submissions on the E-mail of the Court. A scanned copy of order-sheet be sent to the Coordinator of Computer Branch for uploading it on the website, as per procedure.


**(RAJINDER KUMAR)
SCJ-cum-RC (West), THC
Delhi: 13.07.2020**

CS No.7116/2016
Kurlon Ltd. Vs. Shri Durga Furniture

(Through V/C Cisco-Webex)

13.07.2020

At 02:51 PM to 02:57 PM

Present : None for the plaintiff.

Sh. Sunil Dutt Ld. Counsel for the defendant

Time is sought by the Counsel.

As per Reader of the Court, Ld. Counsel for the plaintiff
could not be contacted.

The Staff is directed to make all efforts to intimate the
Ld. Counsel for the plaintiff to join the F/A in this case.

Be listed for F.A on 13.08.2020. A scanned copy of order-
sheet be sent to the Coordinator of Computer Branch for
uploading it on the website, as per procedure.



(RAJINDER KUMAR)
SCJ-cum-RC (West), THC
Delhi: 13.07.2020

Present : Sh. Rajeev Singh Chauhan, Ld. Counsel for the plaintiff.

None for the defendant.

Vide separate judgment of even date, the suit stands decreed partly.

No order as to cost. Decree-sheet be prepared.

File be consigned to record room, after necessary compliance.

... an application filed by the respondent seeking leave to contest the case filed under Section 25-B (4) of DRC Act.

Present : None.

Arguments have already been heard.

The present case is filed by the petitioner for the recovery of the property H-4A, Kirti Nagar, New Delhi. As per the petitioner, the premises in question is bona-fidely required for the daughter of the petitioner Smt. Sangocta Gulati. It is also pleaded that the tenancy was created in the name of the father of

sons of daughter of the petitioner are married and well settled at Gurgaon. That the son in law of the petitioner is earning and well settled in business. So, the daughter of the petitioner is not dependent upon him. That the petitioner has concealed five shops which he and his sons have in Chandani Chowk.

In para 5 of the counter-affidavit (filed by the petitioner), contents of the para 5 of the affidavit of the respondent are not denied specifically for the reasons best known to the petitioner. The respondent has stated in para 6 of the affidavit (annexed with the leave to defend application), about the passing of decree of the half shop. The same is also not denied specifically by the petitioner in his counter-affidavit. Admittedly, the daughter of the petitioner is married, whose, both sons are well-settled. This is also an admitted fact that the husband of the daughter of petitioner is also well-settled in his business. So, there is doubt as to the bona-fide need of the petitioner and also whether the married daughter of the petitioner, whose sons and husband are well-settled in their business is still dependent upon the petitioner. Moreover, as per the petition, the area of the shop in question is 8 x 10 but in the site plan it is shown as 8 x 9. The petitioner did not deny the factum of passing of a decree qua half of the portion of the shop in question. The petitioner also has not denied the facts raised by respondent: that he was in possession of only half portion of the shop. This fact is not denied by the petitioner in his counter-affidavit.

Accordingly, on the basis of the pleadings and the material available on record, several triable issues are found to be involved in the present case.



Hence, the application is allowed.

Respondent is directed to file the WS well within 30 days from today with advance copy to the petitioner, who shall be at liberty to file rejoinder, if any, before the next date of hearing.

Be listed for filling of rejoinder on 04.09.2020.

A scanned copy of this order be sent to the Coordinator of Computer Branch for uploading it on the website, as per procedure.

(RAJINDER KUMAR)
SCJ/RC(WEST)/ DELHI
13.07.2020