
Jugminder Lal & Ors Vs Jasjit Kaur

RC.Revision No. 252 Of 2017

Court: Delhi High Court

Date of Decision: Jan. 27, 2020

Acts Referred:

Delhi Rent Control Act, 1958 " Section 14(1)(c), 14(1)(e), 19

Hon'ble Judges: Sanjeev Sachdeva, J

Bench: Single Bench

Advocate: Naresh Thanai, Amreek Singh

Final Decision: Dismissed

Judgement

Sanjeev Sachdeva, J

CM APPL. 3225/2020 (condonation of delay)

For the reasons stated in the application, delay of 50 days in filing review petition is condoned. The application is allowed and disposed of.

REVIEW PET. 28/2020

1. Petitioner seeks review of the judgment 20.11.2019 whereby the revision petition filed by the Petitioner has been allowed and the eviction petition

has been dismissed.

2. It is contended by learned counsel for the appellant that the eviction petition has been dismissed primarily on the ground that ground of eviction

mentioned in the eviction petition no longer survives. It is further contended that the Court has erred in not noticing internal sub para 13 of Para 18(a)

and Para 19 of the eviction petition which read as under:

18(a) "The children of the petitioner are young in age and therefore, the tenanted shop is essential to be evicted

13. That it is further submitted that the children of the petitioner are young in age and therefore, the tenanted shop is essential to be evicted

for the requirement of the petitioner.

19. The Petitioner is more required of the tenanted premises as per the requirement of his family members etc.

3. It is further contended that Section 19 of the Delhi Rent Control Act, 1958 which has been relied upon by this Court while passing the impugned

judgment is not applicable to proceedings under Section 14(1) (e) of Delhi Rent Control Act, 1958 (hereinafter referred to as the Act) on the ground of

bonafide necessity but are only applicable to Section 14(1) (c) of the Act.

4. I find no ground to review the judgment dated 20.11.2019.

5. The eviction petition was filed by the respondent contending that respondent required the tenanted premises for her son, who post his retirement had

taken the profession of law and did not have any office or chamber in Delhi and as such required the tenanted premises for the purpose of opening an

advocate's office.

6. During pendency of the proceedings, said son expired and accordingly petitioner had filed an application taking into account subsequent event i.e.

death of the person for whose benefit the eviction petition had been filed.

7. Taking into account the factum of death of the son of the respondent, revision petition was allowed and the eviction petition was dismissed.

However, liberty was granted to the respondent to file a fresh eviction petition, if the need of the respondent and other family members was still there.

8. Paragraph 18(a) of the eviction petition does not specify any need other than the requirement of the son of the respondent who has expired. Merely

stating one line that the tenanted premises is essential for the requirement of the petitioner and petitioner is more required of the tenanted premises

does not satisfy the requirement of Section 14(1) (e) of the Delhi Rent Control Act, 1958.

9. Apart from these two lines, in the entire petition, there is no other requirement or necessity specified by the respondent either for herself or for

other family members.

10. Taking this into account, this Court had permitted the respondent to file a fresh petition, if need still existed.

11. The other contention of learned counsel for respondent that Section 19 of Delhi Rent Control Act, referred to in the judgment, is not applicable to a

petition filed under Section 14(1) (e) of the Act and applies only to Section 14(1) (c) of the Delhi Rent Control Act is also misplaced.

12. Learned counsel has placed reliance on the Bare Act published by M/s Universal in which in Section 19, it is printed "in pursuance of an

order made under clause (c) of the proviso to sub-section (1) of section 14

13. There is a misprint in the Bare Act published by M/s Universal Law Publishing. The correct provision is "clause (e) of the proviso to sub-

section (1) of section 14

14. Learned counsel seems to have been misled by the misprint in the publication.

15. I find no ground to review the judgment dated 20.11.2019. The review petition is accordingly dismissed.