

17.11.2025

One of the regular stenographer is on leave today.

Present:- Sh. N.K Goyal, Ld. Counsel for plaintiff.
Sh. Avnish Mishra, Ld. Counsel for defendant through VC.

Today, matter is listed for filing of replication, A/D of documents and framing of issues.

At this stage, Ld. Counsel for the plaintiff fairly submits that till date, the plaintiff has not received any single penny in terms of order dated 17.09.2025 whereby an application under Order 39 Rule 10 CPC r/w Section 151 CPC was allowed. Heard.

On the other hand, Ld. Counsel for defendant fairly submits that as per his information, the aforesaid order dated 17.09.2025 has been challenged by the defendant before Hon'ble High Court of Delhi through different counsel and therefore, seeks some time to give clarification in that regard. Heard. Be clarified on the NDOH.

At this stage, Ld. Counsel for the parties jointly submits that the issues may be framed. Heard.

Replication not filed.

Affidavits of A/D of documents not filed by parties despite opportunity.

Be awaited.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/17.11.2025

(At 4.15 PM)

Present:- None.

During perusal of the pleadings and the record, it has come to

the notice of the court that the relationship of landlord and tenant between the parties is not in dispute. It is also an admitted fact that the agreed monthly rent of suit property is Rs. 28,000/- which is above Rs. 3500/- and thus, the provisions of Delhi Rent Control Act, are not applicable to the present tenancy. As far as termination of the tenancy is concerned, the plaintiff served upon defendant legal notice dated 23.08.2023 which is not disputed by the defendant. Even otherwise, the service of summons of the plaint itself amounts to notice under Section 106 of the Transfer of Property Act as per the judgment of Hon'ble Supreme Court of India reported in '**Nopani Investment (P) Ltd. vs. Santokh Singh (HUF)**', 146 (2008) DLT 217 (SC).

In view of the admitted relationship of landlord and tenant, the admitted rate of rent and the legal notice dated 23.08.2023, the court is of prima facie view that the plaintiff appear entitled to a decree for possession on the basis of admitted facts.

Accordingly, before proceedings further and before framing of issues, one opportunity is granted to the defendant as to why a decree of possession should not be passed in favour of the plaintiff under Order 12 Rule 6 CPC on the basis of admissions on record.

Matter is adjourned.

Put up for arguments on 23.01.2026.

(Gaurav)
District Judge-01/ SHD
KKD/Delhi/17.11.2025