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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 41/2025 & CM APPL. 1670/2025 STAY, CM APPL. 1671/2025 DELAY 4 YEARS 3 MONTHS AND 14 DAYS IN FILING OF PETITION.

LATE SHRI JAGTAR SINGH (THROUGH LR S) & ORS.

.....Petitioners

Through: Dr. Aman Hingorani, Sr. Adv. with
Mr. Sindhu Sinha, Ms. Vidisha Jain
and Mr. Aditya Bajaj, Advs.

versus

DR SURINDER SINGH (THROUGH LRS) & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

21.01.2025

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1. This is a petition under Article 227 of the Constitution of India filed by the petitioner/objector against the order dated 30.06.2020 passed by the Appellate Rent Control Tribunal (South East), Saket Courts in RCA No. 6/2025 renumbered as RCT No. 15/2019 and order dated 01.10.2015 passed by the Rent Controller (South) in Execution Petition No. 109/2009.
2. Learned counsel submits that notice had been served upon the Advocate who is representing the respondent no.1 before the trial court, the Rent Control Tribunal and before the High Court. He submits that he has also filed affidavit of service.



3. None appears for the respondents.
4. It is submitted that petitioners brother filed an eviction petition under Section 14(1)(e) of the Delhi Rent Control Act [**“Act”**] against the tenant. Respondent no.1 and other legal heirs filed a civil suit for declaration in Punjab regarding Defence Colony property and other immovable properties situated in Punjab. Petitioner also filed a suit in Delhi for declaration and injunction. The Hon’ble Supreme Court stayed the proceedings of the suit pending in Delhi until the disposal of the case in Punjab.
5. In the year 2001, Rent Controller allowed the eviction petition.
6. On 02.03.2007, the SLP filed by the tenant was dismissed by the Hon’ble Supreme Court.
7. On 14.05.2007 the Court at Punjab declared the petitioner as the rightful owner of the property situated in Defence Colony.
8. On 24.05.2007, respondent no.1 filed an execution petition. It is submitted by the learned counsel that respondent no.1 had not disclosed the order passed by the Punjab Court before the executing court.
9. The tenant against whom the eviction order was passed handed over the property to the petitioner on 31.05.2007 and since then the petitioner is stated to be in possession of the property.
10. Petitioner filed an application under Section 25 of the Act but said application was dismissed vide order dated 01.10.2015. The stay order was challenged in appeal before the Rent Control Tribunal but the same was disposed of as being not maintainable vide order dated 30.06.2020.
11. The petitioner then filed a revision petition before the Delhi High Court which has been disposed of on 17.12.2024 holding that challenge to the judgment and order passed by the Appellate Rent Control Tribunal on



01.10.2015 is not an order under Section 25 B of the Act, and therefore, the petition was held to be not a petition under Sub- Section 8 of Section 25- B of the Act, and petitioner was granted permission to withdraw the petition with liberty to challenge the order dated 01.10.2015 before the appropriate forum. This is how the present petition has been filed impugning the orders dated 01.10.2015 passed by the Rent Controller and the order dated 30.06.2020 passed by the Rent Control Tribunal.

12. Learned counsel submits that the Court at Dasua, Punjab declared the petitioner as owner of the Defence Colony property on the basis of the Will executed by the late father of the petitioner, and therefore, being the owner he is protected by Section 25 of the Act.

13. It is submitted that the execution application is listed before the trial court for 22.01.2025 and in case warrants of possession are executed, the present petition would become infructuous.

14. Keeping in view the urgency, and in the light of the fact that execution is stated to be listed tomorrow, issuance of warrants of possession is stayed till the next date.

15. Notice be issued to the respondents through all permissible modes, subject to the petitioner taking the requisite steps, returnable on 24.07.2025. Notice be given dasti as per request.

16. Copy of this order be given dasti under the signatures of the Court Master.

RAVINDER DUDEJA, J

JANUARY 21, 2025/ib/r