



\$~49(Appellate Side-2022 List)

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

+ RSA 31/2022&CM APPL. 14416/2022

NEM CHAND

..... Appellant

Through: Mr. Pankaj Sinha & Ms. Nupur
Grover & Mr. Vineet, Advs.

versus

KESHAV@BABLOO & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **24.03.2022**

CM APPL. 14416/2022 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The appellant was the plaintiff before the learned trial Court. He claimed to be a tenant in the suit property, having taken the premises on rent from one Sarla Devi in 1960. According to the averments in the plaint, the appellant permitted the respondents to run their business from the suit premises and, on the respondents making alterations to the premises, the appellant filed a suit for injunction.

4. The respondents claimed ownership on the basis of a sale deed

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purported to be executed by Sarla Devi. The appellant submitted that, even in the sale deed, the appellant was recognised as a tenant of Sarla Devi.

5. The suit was decreed by the learned trial Court on the ground that the appellant had succeeded in proving tenancy. The judgment and the decree of the learned trial Court has been reversed by the learned Additional District Judge.

6. The matter requires consideration.

7. Before framing any substantial question of law, I deem it appropriate to call for a response from the opposite side. Accordingly, issue notice returnable on 22nd April, 2022, for framing of substantial question of law.

8. Notice may be served on the respondents additionally through learned Counsel *dasti*.

9. Affidavit of service along with proof thereof be placed on record before the next date of hearing.

10. Accordingly, re-notify on 22nd April, 2022.

C.HARI SHANKAR, J

MARCH 24, 2022

SS