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

+ **RC.REV. 75/2024**

MANISHA

..... Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate

versus

PUSHPA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **14.03.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 15733/2024 (exemption)

1. Allowed, subject to all just exceptions.

RC.REV. 75/2024 & CM APPL. 15734/2024 (delay in re-filing)

2. The petitioner, claiming herself to be tenant in respect of MCD flat no. 345 Block-18, Jahangirpuri, Delhi has assailed the eviction order dated 22.09.2023 of the learned Rent Controller passed in the proceedings under Section 14(1)(e) of the Delhi Rent Control Act since the petitioner opted not to file any application for leave to contest. In the course of preliminary hearing, learned counsel for petitioner submitted that the present respondent is not owner of the subject premises and there is no jural relationship of tenancy between the parties. According to the learned counsel for petitioner, the subject premises is the MCD flat allotted to a Safai Karamchari, namely Mr. Ashok Kumar, who allowed permissive use of the said government accommodation to grandmother of the now deceased husband of the petitioner. Since there was matrimonial dispute between the petitioner and



her now deceased husband, the remaining in-laws of petitioner filed the eviction petition to evict her.

3. It would be significant to take a note of paragraphs 8 and 9 of the revision petition as well as paragraph 5 of application for leave to contest (PDF page 109), which application has been filed in this Court, though addressed to the learned Rent Controller.

3. In view of the above submissions, I am not inclined to stay the operation of the impugned eviction order since doing so would encourage the private individuals enjoy government accommodation without any entitlement. However, it is clarified that this observation is made purely on the basis of submissions made on behalf of the petitioner and are subject to hearing the other side.

4. At the same time, it also appears that the MCD is not even aware that the government accommodation allotted to their employee Ashok Kumar is under occupation of others. On request through the Court Master, Ms. Beenashaw N. Soni, learned standing counsel has appeared and has been apprised of the above circumstances. A copy of this order along with copy of the revision petition be delivered to the standing counsel of MCD for information and necessary action. A report be filed in this regard by the MCD by the next date of hearing.

5. In the meanwhile, subject to petitioner taking steps within one week, notice through all modes be issued to the respondent returnable on 23.07.2024.

GIRISH KATHPALIA, J

MARCH 14, 2024/rk

[Click here to check corrigendum, if any](#)