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

+ C.R.P. 62/2021

RAJDULARI DECEASED THROUGH LRS Petitioner

Through: Appearance not given.

versus

RAJ KUMAR SHARMA Respondent

Through: Mr. Dhanesh Relan, Mr. Divyanshu Bhandari and Mr. Shikhar Mishra, Advocates.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **09.07.2025**

CM APPL. 55604/2023 [Delay in filing Counter Affidavit] & 55607/2023 [Permission to file detailed Counter Affidavit]

1. Although, no Counter Affidavits are requisite, in the interest of expediency, these Applications are allowed. The delay of 79 days in filing the Counter Affidavit is condoned.

2. The Applications are disposed of.

C.R.P. 62/2021 & CM APPL. 30241/2021 [Stay]

3. The present Petition has been filed under Section 115 of the Civil Procedure Code, 1908 [hereinafter referred to as "CPC"] seeking to challenge an order dated 11.02.2021 passed by the learned ADJ-03, North West District, Rohini Courts, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order an Application under Order VII Rule 11, CPC filed by the Petitioner [Defendant before the learned Trial Court] has



been dismissed.

4. The learned Trial Court has given three findings in the matter. Firstly, that the suit is not undervalued for the purposes of Court fee and jurisdiction. Secondly, that the suit is not barred under Section 15 of the Delhi Rent Control Act, 1958 [hereinafter referred to as “DRC Act”]. Thirdly, the learned Trial Court has also held that the suit is maintainable before the learned Trial Court as the previous suit that was filed and dismissed, liberty was taken from the previous Court to file fresh proceedings.

5. A perusal of the Application filed by the Petitioner/Defendant shows that the Application in fact sets out two grounds. Firstly, that the suit is barred by the provisions of Section 50 of the DRC Act. Secondly, that the civil suit before the Court of the same jurisdiction cannot be filed with the same cause of action.

6. Learned Counsel for the Petitioner requests for an adjournment.

7. Learned Counsel for the Respondent requests for some time to have his written submissions placed on record.

8. At request, list on 07.11.2025.

9. It is made clear that there is no stay granted by this Court. The proceedings before the learned Trial Court shall continue.

10. The parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

JULY 9, 2025/pa