

\$~69

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

+ **RC.REV. 497/2019 & CM APPL. 37753/2019**

M/S KAROL BAGH MASALA

..... Petitioner

Through Mr. Anupam Srivastava, Mr. D. Joshi,
Mr. D. Gupta and Mr. Sankit Vashist,
Advs.

versus

RAKESH KUMAR JAIN

..... Respondent

Through None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **23.08.2019**

1. Petitioner impugns judgment dated 04.04.2019 whereby eviction petition filed by the respondent under Section 14 (1) (e) of Delhi Rent Control Act, 1958 has been allowed.
2. Respondent has filed the eviction petition on the ground that he needed suit premises for the purposes of expansion of his business.
3. Learned counsel for the petitioner submits that the trial court has erred in not appreciating that the respondent has not produced any document on record to show the necessity for expansion of his business. Learned counsel for the petitioner submits that alternative plea taken by the respondent is that he needed the said premises to set up an independent business for his son. He submits that the respondent once again failed to produce any document to show that

his son was intending to start any independent business. He further submits that in the cross-examination respondent has admitted that his son was working as Insurance Agent and had income from the said business.

4. Issue notice to the respondent returnable on 16.01.2020.
5. In the meantime, subject to paying a sum of Rs. 10,000/- as use of occupation charges per month w.e.f. 04.04.2019, the execution of the impugned judgment shall remain stayed till the next date of hearing.
6. Petitioner shall clear the arrears within a period of four weeks from today.
7. Digital copy of the trial court record be requisitioned.
8. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 23, 2019
‘rs’