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

+ RC.REV. 554/2019

DEVENDER KUMAR

..... Petitioner

Through Mr. Pradeep Kumar Saini, Advocate.

versus

AJIT SINGH

..... Respondent

Through None.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV SACHDEVA**

**ORDER**

% **18.09.2019**

**RC.REV. 554/2019 & CM APPL.41662/2019 (stay)**

1. Petitioner impugns order dated 07.05.2019, whereby, eviction petition, filed by the respondent, has been allowed and an eviction order passed.

2. Subject eviction petition was filed by the respondent seeking eviction of the petitioner on the ground of bonafide necessity under Section 14(1)(e) of the Delhi Rent Control Act, 1958. Leave to defend was granted to the petitioner and thereafter the impugned order had been passed after trial.

3. Learned counsel for the petitioner submits that the necessity projected in the eviction petition was for opening of a commercial store by the son of the respondent.

4. Learned counsel for the petitioner submits that neither the respondent nor his son appeared in the witness box to depose and only

the brother of the respondent appeared as a power of attorney holder.

5. Learned counsel for the petitioner submits that there was nothing placed on record to show that the respondent or his son could not appear for any genuine reason. He submits that the brother of the respondent stated that the respondent did not appear as he becomes nervous when anyone puts any question to him.

6. Learned counsel for the petitioner submits this clearly demonstrates that the case filed by the respondent was not correct and he was afraid to face cross-examination.

7. Issue notice to the respondent, returnable on 18.02.2020.

8. In the meantime, execution of the impugned judgment dated 07.05.2019 shall remain stayed till the next date of hearing.

9. Order *Dasti* under the signatures of the Court Master.

**SANJEEV SACHDEVA, J**

**SEPTEMBER 18, 2019**  
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