



\$~3

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

+ **RC.REV. 200/2025 & CM APPL. 40449/2025**

**GAFOOR AHMAD**

.....Petitioner

Through: Mr. Sanjay Rathi, Mr. Ashish Khatri,  
Mr. Sanchit Jaglan, Mr. Hitesh  
Kumar, Mr. Udyanshi and Mr. Sagar,  
Advocates.

versus

**MOHD YAQUB MALIK**

.....Respondent

Through: Mr. A.K. Suri, Mr. Ankit Kansal, Mr.  
Manoj Manderna and Mr. M.S.Aggar,  
Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **21.07.2025**

**CM APPL. 40450/2025 (exemption)**

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

**CM APPL. 40448/2025 (stay)**

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the petitioner seeks stay of operation of impugned order dated 25.01.2025 passed by the learned Additional Rent Controller, Tis Hazari Court, Delhi.



2. Issue notice.
3. Mr. A.K Suri, learned counsel appears on behalf of respondent on advance copy; accepts notice; and seeks time to file reply.
4. Let reply to the petition be filed within 06 weeks; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
5. Re-notify on 11<sup>th</sup> August 2025.

**RC.REV. 200/2025**

6. By way of the present revision petition filed under section 25-(B)(8) of Delhi Rent Control Act 1958, the petitioner impugns judgment dated 25.01.2025.
7. Issue notice.
8. Mr. Suri, learned counsel appears on behalf of respondent on advance copy; accepts notice; and seeks time to file reply.
9. Let reply to the petition be filed within 06 weeks of service; rejoinder thereto, if any, be filed within 04 weeks thereafter; with copy to the opposing counsel.
10. After hearing Mr. Sanjay Rathi, learned counsel appearing for the petitioners, as well as learned counsel appearing for the respondent at some length, it transpires that a fundamental question on which there is a serious dispute between the parties is as to the identity of the property that was subject matter of the eviction. The eviction petition mentions property bearing No.2144/5 situate in Ahata Mir Bukhari, Turkman Gate, Delhi as the demised premises; however, Mr. Rathi, learned counsel appearing for the petitioner contends that they are



tenants and in possession of 2144/40 situate in Ahata Mir Bukhari, Turkman Gate, Delhi.

11. Mr. Rathi has drawn attention to the Electoral Roll of 2022 of Assembly Constituency, 21-Matia Mahal, (GEN) NCT of Delhi and other documents in support of his submissions.
12. On the other hand, learned counsel appearing for the respondent contends that unnecessary confusion is being caused based on a purported distinction between premises No. 2144/5 and 2144/40, whereas these are one and the same property.
13. Since leave-to-defend had been granted by the learned Additional Rent Controller *vide* order dated 17.05.2016, and the matter had been decided after a full-dressed trial, the dispute as to the identity of the property ought to have been resolved conclusively, leaving no doubt as to that aspect.
14. Be that as it may, in the circumstances of the case and, as requested by Mr. Rathi and at the cost and expense of the petitioner, it is considered appropriate to appoint a Local Commissioner to ascertain the exact location as well as identity of the property under use and occupation of the petitioners.
15. For this purpose, Ms. Neeta Bahl, Advocate (Cellphone No.: 9811029887) who is present in court, is appointed as Local Commissioner to visit to the site of the dispute and to render a report on the following aspects:
  - 15.1. Whether, on inspection of the on-ground position, there is any distinction between premises bearing No.2144/5 and 2144/40, both situate in Ahata Mir Bukhari, Turkman Gate, Delhi; and



- 15.2. Whether the petitioners are in possession, use and occupation of premises bearing No.2144/5 *or* premises bearing No. 2144/40.
16. A site plan illustrating the above-referred position be also prepared by the learned Local Commissioner.
17. Parties are directed to render full co-operation. Any non-co-operation or misbehaviour with the Local Commissioner would be viewed very seriously.
18. Let the report be rendered to this court by the Local Commissioner within 02 weeks; with copies to learned counsel appearing for the parties.
19. The learned Local Commissioner shall be entitled to a fee of Rs.10,000/- in addition to any out-of-pocket expenses incurred by her, to be paid by the petitioners at the time of commencement of the inspection.
20. Awaiting the report of the learned Local Commissioner and for further consideration, re-notify on 11<sup>th</sup> August 2025.

**ANUP JAIRAM BHAMBHANI, J**

**JULY 21, 2025**

SS