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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1751/2019 and CM APPLs. 52919-20/2019**

SURENDER KUMAR

..... Petitioner

Through: Mr. Vishal Bhatnagar, Mr. Nitin
Sharma and Mr. Sagar Gupta,
Advocates (M: 9313674756).

versus

S. VIJENDER KUMAR GUPTA AND ANR.

..... Respondents

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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09.12.2019

1. The present petition raises some serious issues as to the manner in which eviction decrees passed by the Trial Court have been set at naught.
2. An eviction petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958 (*hereinafter*, “Act”) was filed in respect of property bearing No. 3737, Ground Floor, Gali Charan Das, Hauz Qazi, Delhi - 110006 (*hereinafter*, “suit property”).
3. The same was filed by the Petitioner/Landlord - Mr. Surender Kumar (*hereinafter*, “Landlord”) against Respondent No.2/Tenant - Mr. Vijender Kumar Gupta (*hereinafter*, “Tenant”). The petition was preferred in 2015 and vide order dated 7th May, 2018, the order of eviction was passed. The Landlord could not immediately execute the eviction order as Section 14(7) of the Act bars landlords from seeking possession until a period of six months has expired from the date of the order of eviction.



4. During this period of six months, it transpired that the Tenant handed over possession to one Ms. Seema Dass, i.e., Respondent No.2, who had filed an eviction petition under Section 14(1)(e) of the Act on 23rd October, 2018. In response to the said petition, the Tenant surrendered possession of the suit property to Ms. Seema Dass.
5. Ms. Seema Dass then filed objections in the Landlord's execution petition seeking execution of eviction decree dated 7th May 2018, which objections were dismissed with the finding that the same were completely collusive between the earlier Tenant and Ms. Seema Dass.
6. It is submitted that in the execution proceedings, the bailiff had been appointed and warrants of possession were issued. However, the matter is stated to now be pending in appeal before the Id. District Judge against the order dismissing the objections on 27th April, 2019.
7. In the meantime, it is submitted that owing to the contumacious conduct of the Tenant, the Landlord preferred an application under Sections 10 and 12 of the Contempt of Courts Act, 1971 and sought reference to the High Court. This petition has been dismissed. The said order of dismissal is now under challenge before this Court.
8. Considering the above-mentioned facts and the manner in which possession has been handed over by the Tenant against the eviction decree passed on 7th May, 2018, i.e., by filing a collusive eviction petition along with Respondent No. 2, it is directed that both the said Respondents viz., Mr. Vijender Kumar Gupta and Ms. Seema Dass, shall remain present in Court on the next date.
9. Issue Notice.
10. List on 25th February, 2020.



11. Order *dasti* under signature of the Court Master.

PRATHIBA M. SINGH, J.

DECEMBER 09, 2019
MR