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

+ CM(M) 3412/2024, CM APPL. 54669/2024, CM APPL. 54670/2024
& CM APPL. 54671/2024

K.K PURI THROUGH HIS ATTORNEYPetitioner

Through: Mr. Mayank Rustagi, Mr. J. Karan
Malhotra and Mr. Jagesh Singh,
Advocates

versus

SUMAN KUMAR PURI (SINCE DECEASED) THROUGH HIS
LRSRespondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **18.09.2024**

CM APPL. 54670/2024 & CM APPL. 54671/2024 (exemption)

Exemption allowed, subject to all just exceptions.

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1. Petitioner is a tenant under the respondent.
2. Respondent had filed an eviction petition under Section 14(1)(a) and 14(1)(h) of Delhi Rent Control Act, 1958 (in short 'DRC Act'). However, before filing the eviction petition, the landlord had sought permission from the 'Competent Authority' to file such eviction in view of the fact that the demised premises was situated in 'slum area'.
3. When the permission was sought, the landlord has chosen to seek eviction on the ground under Section 14(1)(h) of DRC Act only.
4. Eviction petition was filed on composite grounds i.e. under Section 14

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(1)(a) and 14(1)(h) of DRC Act but when the case was at the final stage before the learned Rent Controller, for the reason best known to the landlord, he did not press his petition under Section 14(1)(h) of DRC Act and pursued with the petition under Section 14(1)(a) of DRC Act only.

5. It is contended that once such permission was withdrawn, it was not permissible for landlord to have continued with the eviction petition as such, since the permission had been given by the competent authority in context of eviction sought under Section 14(1)(h) DRC Act only.

6. Learned counsel for petitioner, very fairly, admits that even if the clubbing was permissible, once any permission had been sought for a specific ground which had been given up, it was no longer permissible for the landlord to have either continued with the eviction petition or for that matter for the learned Rent Controller to have ordered eviction for the other ground.

7. It is submitted that the financial position of any such tenant residing in slum can undergo changes and, therefore, in case the landlord was of the view that eviction petition has to be filed on a different ground, it was obligatory to seek fresh permission from the 'Competent Authority'.

8. Strong reliance has been placed upon *Rukmani Devi Jaipuria Charitable Trust & Ors. Vs. Dawar & Co. & Ors.*: 2006 SCC OnLine Del 796 and *Bishamber Nath & Ors. Vs. Urmila & Ors.*: 1990 SCC OnLine Del 316.

9. Learned counsel for petitioner has stated that he is confining his petition only to the above-said question of law.

10. Issue notice to respondent (s) through all permissible modes including *dasti*. Notice be also issued through counsel.



11. List on 09.12.2024.
12. Execution petition is pending and there is direction for appointment of Bailiff. Keeping in mind the above question of law, learned Executing Court is requested not to issue any coercive process and to defer the hearing to a date subsequent to the one given by this Court.
13. Copy of the order be given *dasti* under the signatures of the Court Master.

MANOJ JAIN, J

SEPTEMBER 18, 2024/dr