



\$~82

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM (M) 3536/2024**
DEVINDER KUMAR CHOUDHRYPetitioner

Through: Mr. Rajiv Kumar Choudhary,
Advocate.

versus

RAMBIR SINGH THROUGH LRSRespondent
Through: Mr. S C Singhal with Mr. Parth
Mahajan, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **04.10.2024**

CM APPL. 58334/2024(exemption)

Exemption allowed, subject to all just exceptions.

CM (M) 3536/2024

1. Petitioner is a landlord and he is seeking eviction on the ground of Section 14(1) (d) of Delhi Rent Control Act, 1958.
2. The tenant during the pendency of the above said Eviction Petition, filed an application under Order VII Rule 11 CPC stating that the petition was barred by the law as Section 14(1) (d) of Delhi Rent Control Act was not applicable to any commercial property.
3. Such application was allowed by learned Rent Controller and the Eviction Petition was, accordingly, rejected.
4. The appeal filed before the learned Rent Control Tribunal also met the same fate and this is how the petitioner is before this Court.
5. A careful perusal of petition would indicate that the petitioner has

CM (M) 3536/2024

1



already filed a writ petition challenging the *vires* of Section 14(1) (d) of Delhi Rent Control Act with the prayer that it should also cover any property which is not residential in nature.

6. A notice has already been issued with respect to the above said writ petition which is registered as WP(C) No. 11735/2024 and the next date in the above said writ petition is 16.01.2025.

7. A question was posed to the learned counsel for petitioner as to in the above said peculiar situation, how the present petition was maintainable as the landlord seems to have accepted the legal proposition that Section 14(1) (d) of Delhi Rent Control Act, as it stands today, does not include any property let out for the purpose other than residential.

8. However, learned counsel for the petitioner seeks some time to satisfy this Court on the above said aspect.

9. Learned counsel for respondent appears on the advance notice and submits that in view of the above said writ petition already filed by the landlord, this petition is no longer maintainable.

10. At request of learned counsel for petitioner, list for further consideration on 13.02.2025.

MANOJ JAIN, J

OCTOBER 4, 2024/sw