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

+ **RSA 217/2024 &CM APPL. 74524/2024**

HARPREET SINGH

.....Appellant

Through: Mr. Sandeep Sharma, Sr. Advocate
with Ms. Konika Mitra, Mr. R. K.
Sahni, Mr. Amit Sahni, Advocates

versus

VIMAL KUMAR PATHAK

.....Respondent

Through: Mr. Rakesh Agarwal and Mr. Pulkit
Agarwal, Advocates

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

17.01.2025

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1. Sh. Sandeep Sharma, learned Senior Counsel for the appellant, states that there is a substantial question of law, as the suit was wrongly filed for possession whereas a petition for eviction should have been filed under the Delhi Rent Control Act.
2. Learned Senior Counsel submits that the learned Trial Court wrongly decreed the suit while allowing the application under Order XII Rule 6 CPC vide order dated 14.08.2024. Learned Senior Counsel further submits that the First Appellate Court also wrongly dismissed the appeal vide order dated 05.11.2024.
3. Learned Senior Counsel submits that there is a substantial question of law, as the tenancy of late Sh. Kirpal Singh was inherited by late Smt. Kamaljeet Kaur. Learned Senior Counsel submits that after the death



of late Smt. Kamaljeet Kaur, the tenancy was inherited by the appellant by operation of law. Learned Senior Counsel submits that, therefore, there is a substantial question of law to be determined by this Court.

4. Sh. Rakesh Agarwal, learned counsel for the respondent, has vehemently refuted the averments. Learned counsel submits that an application under Order VII Rule 11 CPC was filed by the appellant challenging the jurisdiction of the Civil Court, which was dismissed by the learned Civil Court. The revision petition filed against the respondent was dismissed by this Court, and the SLP was dismissed as withdrawn.
5. Learned counsel submits that, therefore, this issue cannot be further examined by this Court.
6. Let the Trial Court record be called in the digital format.
7. Let both the parties file brief written synopsis not exceeding 05 pages regarding the substantial question of law along with the judgment they want to rely upon within 02 weeks with the copy to the other parties.
8. List on 27.02.2025 for final disposal.
9. In the meantime, *status quo* is to be maintained.

DINESH KUMAR SHARMA, J

JANUARY 17, 2025/j/na