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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RC.REV. 3/2025, CM APPL. 630/2025, CM APPL. 23197/2025
& CM APPL. 47328/2025
SUKH DAYAL NARULAPetitioner

Through: Mr. Sandeep Khurana, Mr. Shiven
Khurana, Mr. Manjit Singh and Ms.
Aarshia Dhinngra, Advocates.

versus

KALANIDHI INTERNATIONAL PRIVATE LIMITED

.....Respondent

Through: Mr. L.K.Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **14.01.2026**

1. This hearing has been done through hybrid mode.
2. Learned counsel appearing on behalf of the petitioner has raised some preliminary issues in challenging the order dated 09.10.2024 passed by the learned ARC in RC ARC No. 8/2021. Firstly, the said eviction petition was filed with an incorrect nomenclature and the same had been corrected by learned ARC on an application filed by respondent without following due procedure. The reply filed by the petitioner to the said application was decided alongwith final impugned order which is not in accordance with law. Secondly, it is contended that the site plan filed alongwith eviction petition by the respondent was also admittedly incorrect and the application under Order VII Rule 14 of the CPC filed on behalf of respondent to place on record correct site plan was also denied by learned ARC, however, the impugned order had been passed on the basis of incorrect site plan. Thirdly, it is contended that the *bonafide* use as alleged by the respondent of shops would have been impermissible as per the rules and the bye laws of NDMC and other statutory



bodies which have been ignored by holding that nothing has been placed on record to substantiate the same. It is the case of the petitioner that relevant rules had been placed on record in the legal submission, however, the same has not been considered.

3. *Per contra*, learned counsel appearing on behalf of the respondent submits that the learned ARC while allowing inadvertent errors in the eviction petition has not committed any irregularity and the same is in accordance with law. It is further submitted that the learned ARC had also held that the issue of necessary permission in the bye laws would be taken care of by the respondent at the time of the proposed construction and it is further case of the respondent that re-alignment of the partition walls do not require permission as per the Building bye-laws.

4. The matter requires consideration.

5. List for hearing on 07.02.2026.

6. In the meantime, learned Execution Court is requested to defer the proceedings pending before it, subsequent to the date fixed in the present petition.

7. Parties are permitted to place on record relevant documents with respect to the payment of use and occupational charges of the subject premises.

8. Copy of the order be sent to the concerned learned Execution Court for necessary information and compliance.

9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

JANUARY 14, 2026/sn/sg