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

+ **RC.REV. 12/2025 & CM Appl.1539/2025**

SH. BRIJ MOHAN

.....Petitioner

Through: Mr. Piyush Choudhary, Mr. Shashank Verma, Mr. Ankit Bansal and Mr. Praveen Kumar, Advs.

versus

SH. VINOD KUMAR

.....Respondent

Through:

(59)

+ **RC.REV. 13/2025 & CM Appl.1714/2025**

JAG MOHAN

.....Petitioner

Through: Mr. Piyush Choudhary, Mr. Shashank Verma, Mr. Ankit Bansal and Mr. Praveen Kumar, Advs.

versus

SAT PRAKASH

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

13.01.2025

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1. The present Petitions have been filed on behalf of the Petitioners impugning the orders both dated 31.07.2024 [hereinafter referred to as "Impugned Orders"] passed by the learned ACJ-cum-CCJ-cum-ARC, Shahdara, Karkardooma Courts, Delhi with respect to the premises i.e., one shop in property no. 707, Vijay Park, Main Road, Maujpur, Delhi – 110053 (as shown in the site plan filed along with the Eviction Petitions) [hereinafter referred to as "subject premises"]. By the Impugned Orders, the leave to defend Applications filed by the Respondents/tenants have been allowed.

2. An examination of the Impugned Orders show that the landlord-tenant



relationship and ownership of the Petitioners was under challenge by the Respondents. The learned Trial Court also found that the father of the Petitioners had previously filed legal proceedings stating that he is the owner of the subject premises, despite the fact that the Petitioner was the owner. The learned Trial Court had held that no reason was forthcoming as to why the father of the Petitioner had filed legal proceedings in his sown name instead of the Petitioner.

2.1 Secondly, the learned Trial Court has found that there were 12 other shops available with the Petitioners, thus, it was contended that there were alternate suitable accommodations available with the Petitioners. Lastly, a doubt with respect to the fresh construction being made in the subject premises has also been raised.

3. Learned Counsel for the Petitioners submits that the father was a care taker of the subject premises. In addition, relying on Annexure P-8, learned Counsel for the Petitioners submits that it is not as if fresh construction is being undertaken but the subject premises is in such a dilapidated condition that the Petitioners are only making renovations to protect the same.

4. Prior to issuing Notice in the matter, this Court deems it expedient to hear the Respondents as well. For this purpose, let a complete set of the paper book be supplied to the Respondents. A copy of the complete set of paper book be also supplied to the learned Counsel who appeared on behalf of the Respondents before the learned Trial Court. An affidavit of service be filed within a week.

5. List on 23.04.2025.

6. In the meantime, the parties shall file their short note of contentions in the matter, not exceeding three pages each, at least one week before the next



date of hearing, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

TARA VITASTA GANJU, J

JANUARY 13, 2025/r

[Click here to check corrigendum, if any](#)