

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7030/2005

(From the judgement and order dated 24/01/2005 in RCREV No. 47/2004 of The HIGH COURT OF DELHI AT N. DELHI)

MADAN LAL SURYAWANSHI

Petitioner(s)

VERSUS

PHOOLWATI

Respondent(s)

(With appln(s) for PERMISSION TO FILE LENGTHY LIST OF DATES and prayer for interim relief and office report)(For final disposal)

Date: 15/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mrs.K. Sarada Devi,Adv.

For Respondent(s)

Mr. Varinder Kumar Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

The respondent had filed an application before the High Court for eviction of the

petitioner herein in terms of Section 14-(D) read with Section 25-(B) of the Delhi Rent Control Act.

Leave to contest the said proceeding was refused.

The petitioner filed a revision application before the High Court. On 2.9.2004 a

limited notice was issued as to why he should not be granted three months time to vacate the premises. In

view of the fact that the purpose for which the said notice was issued namely grant of some time to the

petitioner to vacate the premises had expired and thus the purpose for which notice was issued did not

survive, the High Court refused to interfere in the matter.

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It is not in dispute that the order of the High Court issuing a limited notice is not

under challenge. Mrs. K. Sarada Devi, learned counsel for the petitioner would make an endeavour to

argue the matter on merits submitting that the conditions precedent for attracting Section 14-D of the

Delhi Rent Control Act was not fulfilled, we are afraid that we cannot permit the learned counsel to

raise the said contention as the High Court, as noticed hereinbefore, in terms of the its order dated

2.9.2004 had issued a limited notice and the said order is not under challenge.

For the reasons aforementioned, the special leave petition is dismissed.

(Meenu Sethi)
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Court Master

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