

# Khurshid Alam vs Mithlesh on 14 January, 2020

**Bench: R. Banumathi, A.S. Bopanna, Hrishikesh Roy**

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ITEM NO.14

COURT NO.5

SECTION XIV

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 (C)

No(s). 32989/201

(Arising out of impugned final judgment and order dated 16-10-2018  
in CM(M) No. 1251/2018 passed by the High Court Of Delhi At New  
Delhi)

KHURSHID ALAM

Petitioner(s)

VERSUS

MITHLESH

Respondent(s)

(IA No. 61575/2019 - VACATING STAY)

Date : 14-01-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. Arun Maitri, Adv.  
Mr. Rabin Majumder, AOR

For Respondent(s)

Mr. Sunil Dutt Dixit, Adv.  
Ms. Anisha Upadhyay, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The matter pertains to ejectment proceedings initiated by the respondent-landlady under Section 14(1)(e) of the Delhi Rent Control Act canvassing a plea of bonafide requirement in respect of the ground floor of the property bearing House No.1707, Gali No.1 to 3, Shanti Nagar, Tri Nagar, Delhi. On 26.08.2015 the petitioner- tenant had filed an application for leave to defend in the E-53 of 2015, in the Court of Civil Judge-cum-ARC, Central, Tis Hazari Courts, Delhi. Two years later, the petitioner-tenant had filed an application on 24.04.2017 under Order 8 Rule 1A(3) of the CPC to produce certain documents in the pending proceeding. This Application was not however entertained by ACJ-cum-CCJ-cum-ARC(N-W) Rohini Courts, Delhi by its Order dated 06.09.2018 (Annexure P-4 of the SLP papers). The matter was then taken to the High Court by the aggrieved

party by preferring a petition under Article 227 of the Constitution of India.

The High Court after due consideration of the submission of the rival parties and the applicable judgments adverted to the procedure under the Delhi Rent Control Act declined to grant any relief to the petitioner-tenant with the observation that Rent Control Statute is a complete Code for ejectment proceeding on the plea of bonafide requirement.

We have heard the arguments advanced by Mr. Arun Maitri, learned counsel appearing for the petitioner-tenant. We have also heard Mr. Sunil Dutt Dixit, learned counsel appearing for the respondent-landlady.

Having considered the matter and the circumstances of the case we are satisfied that there is no justification to interfere with the impugned order passed by the High Court of Delhi. The tenant should therefore be permitted to defend the ejectment proceedings on the basis of the leave to defend application only. It is ordered accordingly.

The special leave petition is accordingly dismissed. Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(BEENA JOLLY)  
BRANCH OFFICER