

## Satish Kumar vs Attar Singh And Ors. on 8 April, 2025

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 08

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CM(M) 661/2025& CM APPL. 20884-20886/2025

SATISH KUMAR

.....Petition

Through: Dr. Ashwani Bhradwaj,

versus

ATTAR SINGH AND ORS.

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Mr. Attar Singh and Mr. Chhattar Singh (since deceased) had filed an Eviction Petition on the ground of bona fide requirement. The petition was filed against their tenants namely, Kamlesh Saini and Kishan Saini.

2. Leave to defend was declined to them.

3. Resultantly, a decree was passed in favour of the petitioners and against said tenants under Section 14 (1) (e) read with Section 25 of Delhi Rent Control Act, 1958, way back on 19.02.2016.

4. The decree has already attained finality.

5. However, when the Execution petition was filed by the landlord, one Mr. Satish Kumar (petitioner herein) filed Objection Petition under Order XXI Rule 58 CPC and in such Objection Petition, he claimed that he was rather a lawful tenant/lessee of shop property in question i.e. property bearing No. 235, Main Haiderpur Road, Delhi. He claimed that he was tenant with respect to Shop No. 2 and was inducted as tenant in the year 2002 by Mr. Attar Singh. So much so, according to him, he was paying regular rent to his such landlord.

6. According to him, the decree in question pertained to another shop i.e. shop No. 3 and since, he is occupant of Shop No.2 in his substantive capacity as a tenant, he cannot be evicted from his said shop in the garb of abovesaid Execution Petition.

7. In order to substantiate such contention, he placed on record several rent receipts from 2002 to 2016, in order to show that rent was being paid by him regularly to Mr. Attar Singh.

8. The abovesaid Objection Petition was resisted by the decree holder and according to him, such rent receipts were forged. It was also contended by him that there was no confusion with respect to the shop in question as he was seeking eviction with respect to a shop which is clearly demarcated in

the site plan attached with the Eviction Petition. According to him, even otherwise, there were no such numbering given to any shop and the intention of the objector is to simply delay and frustrate the decree by taking a false stand.

9. Such objections were dismissed by the learned Rent Controller on 03.11.2016.

10. Feeling aggrieved, an appeal was filed under Section 38 of Delhi Rent Control Act and even such appeal has been dismissed on 27.08.2024.

11. Such order is under challenge.

12. The sole contention coming from the side of petitioner/objector is to the effect that the Objection Petition should not have been disposed of in a summary manner. He submits that he had placed on record rent receipts and there was only a bald denial from the side of respondent/decreed holder that these were forged receipts.

13. He submits that the petitioner was running a shop under the name and style of Bajrang Bali Store and, at least, he should have been given an opportunity to lead evidence with respect to the abovesaid objection.

14. When asked, learned counsel for petitioner could not apprise as to whether there was any other document with respect to the business which the petitioner has been allegedly running from the said shop for last 22 years. The learned counsel for the petitioner, in all fairness, submits that no such document has been placed on record in order to demonstrate that the objector was running any such business from said shop.

15. Irrespective of the rent receipts, which have been labeled as forged and fabricated by the decree holder, if at all, the petitioner was running any business from the said premises for such a long duration of 22 years, it was expected that he would possess any such document to give even a hint of his running business from such shop.

16. No document of any nature, whatsoever, has been placed on record and it was in the abovesaid backdrop that the learned Tribunal was of the view that the opportunity to lead evidence could have been given, if there was some substance in the objection.

17. This Court is also not inclined to believe the version of the objector/petitioner.

18. Moreover, there is nothing to suggest any collusion between landlord (decree holder) and tenant (judgment debtor). Learned Controller also noted that the shop was, clearly, shown in red colour in the site plan and the shop did not bear any number. It also recorded that the shop which is shown in red colour in site plan is the shop which was let out to actual tenant i.e. judgment debtor and the same very shop is being claimed by the Objector as his shop.

19. There is no document showing registration from any authority including Sales Tax VAT, ITR and GST. There are no bills, no invoices of any kind whatsoever. Nobody knows what kind of business is being run. There is no photograph either. It is not explained as to how he is drawing electricity. No such bill has either been placed. So much so, no such details have been mentioned in the Objection Petition and, therefore, the learned Tribunal was justified in observing that since nothing substantial had been revealed in the Objection Petition, there was no point in putting the Objection Petition to trial.

20. Viewed thus, this Court does not find any reason to interfere with the finding given by both the fora below. Moreover, the invocation of supervisory power has to be within a very restricted and constricted sphere and while exercising such supervisory powers, the court is not required to delve into the evaluation or appreciation of factual aspects. It can only be interfered when there is some illegality or perversity in the order, which unfortunately, does not exist in the present matter.

21. Resultantly, the petition, along with pending applications, stands dismissed.

(MANOJ JAIN) JUDGE APRIL 8, 2025/sw/JS