

Misc ARC No. 1/18

Shiv Kumar Vs Babu Lal Goel

29.07.2019

Present: Sh. S.K. Tomar, Ld. Counsel for petitioner along with son of petitioner.

None for respondent.

Perused the file.

Further report of Nazir be filed today itself.

Be awaited at 11.00 a.m.

(Ajay Nagar)
Addl. Rent Controller(W)
THC/Delhi.29.07.2019

At 11.00 a.m.

Present: Sh. S.K. Tomar, Ld. Counsel for petitioner along with son of petitioner.

Sh. Vipin Nandwani, Ld. Counsel for respondent.

Perused the file.

Arguments heard at length in respect of benefits U/S 14(2) of DRC Act.

Put up at 04.00 p.m. for orders.

(Ajay Nagar)
Addl. Rent Controller(W)
THC/Delhi.29.07.2019

At 04.00 p.m.

Present: None.

Vide my separate order announced in the open court, **an eviction order is passed U/S 14(1)(a) of DRC Act in view of judgment dated 02.01.2018** in respect of the tenanted premises i.e. Shop bearing No.WZ-271, Jail Road, Nangal Rai, New Delhi-110046 as shown in red color in the site plan attached with the

petition Ex. PW-1/2.

File be consigned to Record Room after due compliance.

**(Ajay Nagar)
Addl. Rent Controller(W)
THC/Delhi.29.07.2019**

Misc ARC No.1/2018

Shiv Kumar

..... Petitioner

Vs.

Babu Lal Goel

..... Respondent

ORDER
29.07.2019

1. By this order, I shall decide whether respondent is entitled to the benefits U/S 14(2) of DRC Act or not.

2. Perusal of record also shows that an order dated 03.05.2007 U/S 15(1) was passed by my Ld. Predecessor directing the respondent to pay or deposit the rent at the admitted rate of Rs. 665/- p.m. w.e.f. June, 2003 (i.e. 3 years prior to the date of filing of the petition) within one month from the date of order and also directed the respondent to continue to pay or deposit the same at the aforesaid rate by 15th of each succeeding English Calendar month.

3. Perusal of record shows that an eviction petition was filed on 30.05.2006 U/S 14(1)(a) of DRC Act by the petitioner and consequently, afore-mentioned petition was allowed by the judgment dated 02.01.2018.

4. Judgment dated 02.01.2018 shows that the Nazir was directed to file his report in respect of payment or deposit of rent by the respondent in compliance with the order dated 03.05.2007 passed U/S 15(1) of DRC Act.

5. Perusal of report dated 22.01.2018, 07.02.2018 as well as 29.07.2019 of Nazir manifestly show that the respondent has not complied with the order dated 03.05.2007 passed U/S 15(1) of DRC Act strictly as the rent has not been deposited within stipulated period of time.

6. I have heard the submissions made by Ld. Counsel for the petitioner as well as the respondent.

7. Ld. Counsel for the petitioner submits that the respondent has not complied with the order passed U/S 15(1) of DRC Act within time and there is several default and delayed deposit of rent by the respondent.

8. Ld. Counsel for the respondent has also fairly admitted that the respondent has not complied with the order U/S 15(1) of DRC Act strictly but submits that one appeal against the judgment dated 02.01.2018 is pending before the Ld. ARCT (West).

On the other hand, Ld. Counsel for the petitioner has submitted that there is no stay granted by the Ld. ARCT(West) which is admitted by the Ld. Counsel for the respondent also.

9. As such, perusal of record as well as report of Nazir manifestly shows that there is no compliance of order passed U/S 15(1) of DRC Act. Hence, the respondent is not entitled to the benefit U/S 14(2) of DRC Act. Consequently, **an eviction order is passed U/S 14(1)(a) of DRC Act in view of judgment dated 02.01.2018** in respect of the tenanted premises **i.e. Shop bearing No.WZ-271, Jail Road, Nangal Rai, New Delhi-110046 as shown in red color in the site**

plan attached with the petition Ex. PW-1/2.

10. File be consigned to Record Room after due compliance.

(Ajay Nagar)
Addl. Rent Controller(W)
THC/Delhi.29.07.2019