

Avtar Singh Vs. Gurbux Singh

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Court : Delhi

Decided On : Aug-06-1999

Reported in : 1999VAD(Delhi)306; 81(1999)DLT346; 1999(51)DRJ65; 1999RLR571

Judge : Vinender Jain, J.

Acts : [Delhi Rent Control Act, 1958](#) - Sections 14(1)

Appeal No. : CM(M) 605/97 & CMs 2131-32/97

Appellant : Avtar Singh

Respondent : Gurbux Singh

Advocate for Def. : Mr.R.K. Ahuja, Adv.

Advocate for Pet/Ap. : Mr.R.N. Arora, Adv

Judgement :
ORDER

Vijender Jain, J.

1.Learned counsel for the petitioner has cotended that the findings of the Additional Rent Controller are not based on correct appreciation of the affidavit filed by the petitioner and in his support has cited Precision Steel & Engineering

Works and another Vs . Prem Deva Niranjana Deva Tayal : [1983]1SCR498 . He has further contended that during the pendency of the eviction petition, the property No.8977, Naya Mohalla, Pul Bangash, Delhi was sold by the respondent by a registered Sale Deed. He has further contended that the size of the family of the respondent is not large so as to require any additional accommodation.

2. I have given my careful consideration to the arguments advanced by counsel for the parties.

3. The argument of counsel for the petitioner that the property was sold during the pendency of the eviction petition, as a matter of fact, goes in favor of the respondent. The court can always take subsequent events into consideration and when according to the petitioner himself the property has been sold, that means that that property is not available to the respondent for a suitable alternative accommodation. No mala fide could be attributed on that account. I do not see any force in the argument of counsel for the petitioner that the accommodation available with the respondent is not sufficient. The respondent requires one room for himself. There are two daughters of the respondent whose age, at the time of filing of the petition, was 16 and 14 years. It is contended by counsel for the petitioner that both the daughters are now married. However, the same statement is disputed by counsel for the respondent who says that only elder daughter has been married and regarding younger daughter he has no instructions about her marital status. Even if it is presumed that one daughter is married, still another room is required for another daughter. One room is also required for the married daughter as well as for the guests. Requirement of a drawing room for the respondent can not be termed as not bona fide. Keeping in view that respondent has only three rooms the requirement can not be termed as mala fide.

4. No ground to interfere.

5. Dismissed.