

56 (1994) DELHI LAW TIMES 624

DELHI HIGH COURT

*Mr. Devinder Gupta, J.*

NANAK CHAND—Petitioner

*versus*

AMAR SINGH & ANOTHER—Respondents

Civil Revision No. 479 of 1994—Decided in November., 1994

**Delhi Rent Control Act, 1958—Section 14(1)(e)—*Bona fide* need—Respondent filed eviction petition on *bona fide* need of himself and his family members—Leave to defend—Premises are two separate and distinct properties located at two different places—No triable issue disclosed in affidavit—Frivolous contentions—Whether tenant/petitioner is entitled to leave to defend?—(No).**

**Held:** The Controller noticed that the ownership of respondent Amar Singh to the premises was not in dispute. It was also not in dispute that the premises had been let out to the tenant for residential purpose and thus the only controversy which was sought to be raked up was as to whether the premises were required *bona fide* by the respondents for their residence and that whether the respondents had any other reasonably suitable accommodation available for them for their *bona fide* requirement. From the affidavit of the tenant, the Controller found that the affidavit did not disclose any triable issue. The other two married sons of respondent Amar Singh admittedly are not been residing in Delhi and are posted in Himachal Pradesh. The allegation that respondent No. 1 Amar Singh is residing in the premises has half-heartedly been opposed by the petitioner. In his rejoinder the tenant stated that getting treatment from G.B. Pant Hospital by respondent Amar Singh is immaterial. The other fact that respondent No. 2 had been posted in Headquarters C.R.P.F., C.G.O. Complex, Lodhi Road, New Delhi and had not been allotted any family accommodation was also half-heartedly opposed in the affidavit filed in rejoinder. When these allegations are not being seriously contested by the tenant, it cannot be said that a triable issue arises for consideration, thereby entitling the tenant leave to defend. The entire purpose of trying such petitions summarily will be frustrated in case on vague allegations leave to defend is granted. In *Charan Dass Duggal's* case (supra), it is held that wholly frivolous contentions does not entitle a tenant leave to defend. When leave to defend is sought the tenant must make out such a *prima facie* case raising such pleas that a triable issue would emerge.

[\(Para 11\)](#)

**Result: Revision petition dismissed.**

**Counsel for the Parties:**

For the Petitioner: **Mr. R.M. Sinha, Advocate.**

For the respondents: **Mr. O.P. Khadaria and Mr. Deepak Khadaria, Advocates.**