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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 08th August, 2025***

+ CM(M) 1478/2025 & CM APPL. 48775/2025
RAJIV GUJRAL

.....Petitioner

Through: Mr. Rahul Madan, Advocate.

versus

SURENDER ARORA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit for possession, recovery of arrears of rent and damages.
2. According to plaintiff, three rooms were let out to the defendant by virtue of oral agreement. The suit has been resisted by the defendant and when he filed his written statement, in response to para 2 of the plaint, the defendant admitted that the tenancy as claimed in the plaint was created in the year 1985.
3. As already noticed above, according to the plaintiff, three rooms were let out to the defendant by virtue of oral agreement.
4. The defendant moved an application seeking amendment in the written statement and by virtue of the abovesaid written statement, he rather wants to project that there were “*three separate and distinct tenancies which were created at different times i.e. in the year 1985, 1990 and 2004 respectively.*”
5. Learned Trial Court has dismissed the abovesaid application, holding



that the defendant was retracting.

6. The copy of the original written statement is not part of the present petition but learned counsel for the petitioner/defendant, in all fairness, admits that when the written statement was filed earlier, the averment made in para 2 were not disputed.

7. When asked, about the legal notice in question, he, again, admitted that when the legal notice was responded by them on 12.02.2020, they never claimed therein that it was a case of three different tenancies.

8. In view of the above, it is quite clear that the attempt of the defendant is take somersault and to the retract from the admission, which is not permissible in law.

9. Finding no illegality and perversity in the impugned order, the present petition is dismissed in *limine*.

10. Pending application also stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 8, 2025/ss/shs