



2025:DHC:6003



\$~126 & 127

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

% *Date of Decision: 22nd July, 2025*

+ CM(M) 1317/2025 & CM APPL. 43585-43587/2025
SHRI BRIJ BEHARI SHARAN (SINCE DECEASED) THROUGH
LRS

.....Petitioner

Through: Ms. Poonam, Ms. Aditi Gupta and Mr.
Atul Kumar, Advocates.

versus

SANJAYMALHOTRA (SINCE DECEASED) THROUGH LRS

.....Respondent

Through: None.

+ CM(M) 1318/2025 & CM APPL. 43588-43590/2025
SHRI BRIJ BEHARI SHARAN (SINCE DECEASED) THROUGH
LRS AND ANR

.....Petitioner

Through: Ms. Poonam, Ms. Aditi Gupta and Mr.
Atul Kumar, Advocates.

versus

SANJAY MALHOTRA (SINCE DECEASED) THROUGH LR MS.
ANITA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Both the petitions are between the same parties and raise similar issue and, therefore, these have been taken up together.
2. The petitioners herein are landlords who had filed separate eviction petitions on the ground of non-payment of rent and causing substantial damage to the tenanted premises.



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3. Learned Controller, *vide* order dated 08.01.2021, rejected both the petitions observing that the tenanted premises were situated in slum-notified area and, therefore, eviction petitions were barred under Section 19 of *Slum Areas (Improvements and Clearance) Act, 1956* as no permission was sought from the concerned Competent Authority.
4. Such orders have been challenged by the landlords by filing appeals under Section 38 of Delhi Rent Control Act, 1958 and such appeals are pending adjudication before the learned Rent Control Tribunal.
5. During the pendency of the abovesaid appeals, the landlords moved application(s) seeking eviction order against the wife of the deceased tenant claiming that she had merely acquired limited right to remain in possession of tenanted premises and that since such limited right stood extinguished/expired on 25.10.2022, the landlords were entitled to eviction, right away.
6. Their such request did not find favour from the learned Tribunal and as it observed that such request should have been, rather, made before the learned Trial Court.
7. Such order(s) are under challenge.
8. After hearing arguments for some time, learned counsel for the petitioners submits that she would wait for the outcome of decision of her said two appeals and if the appeals are allowed and the eviction petitions are restored, she may be permitted to move said application before the concerned learned Rent Controller.
9. There does not seem to be any impediment in granting such liberty to her and, therefore, the present petitions are disposed of with the liberty that, in case, the appeals are eventually allowed and the eviction petitions are



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restored, the landlords would be at liberty to move said application afresh before the learned Rent Controller.

10. Both the petition stand disposed of in aforesaid terms.
11. Pending applications also stand disposed of accordingly.

(MANOJ JAIN)
JUDGE

JULY 22, 2025/ss/SS