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

+ CM(M) 513/2016 & CM No.20020/2016 (stay)

ROBIN DANIEL

..... Petitioner

Through Mr.Anil Sharma & Mr.Arun Baali,
Advocates

versus

MAHILLA SUDHAR SABHA & ORS

..... Respondents

Through Mr.Arun Mehta, Advocate for R-1

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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05.10.2016

1. By the present petition, the petitioner seeks to impugn the orders dated 24.02.2016 passed by the Appellate Court and dated 30.10.2015 passed by the ARC.
2. The respondent has filed an eviction petition under Section 14(1)(b) of the Delhi Rent Control Act (*hereinafter referred to as the 'DRC'*). On 30.10.2015 as the counsel for the petitioner was not present, the cross-examination of the witness/petitioner could not take place and the ARC closed the evidence of the petitioner.
3. The Appellate Court noted that the appeal is time barred and dismissed the appeal filed by the petitioner on 24.02.2016.
4. The learned counsel for the petitioner submits that there has been a default on the part of the petitioner but only in the interest of justice he submits that one last opportunity may be given, subject to payment of cost to the petitioner to complete his evidence.

5. The learned counsel for the respondent has pointed out that more than ten opportunities have been given to the petitioner to complete his evidence but on each occasion, the petitioner has been delaying the matter.
6. However, in the interest of justice so as not to cause any prejudice to the petitioner, one last opportunity is granted to the petitioner to complete his evidence, subject to payment of cost of Rs.20,000/-. The cross-examination of the petitioner shall be completed on a date to be fixed by the ARC. No adjournment shall be granted to the petitioner on any subsequent dates of hearing when the matter is fixed before the ARC.
7. With the above observations, the present petition stands disposed of. All the pending applications also stand disposed of.
8. A copy of this order be given *dasti* under the signature of the court master to the parties.

JAYANT NATH, J.

OCTOBER 05, 2016/v