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

+ CM(M) 1051/2016

MOHD RAYEES

..... Petitioner

Through Mr. Gaurav Seth and Mr. Vipin Malik,
Advocates.

versus

MOHD SALEEM & ORS

..... Respondents

Through

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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21.10.2016

CM No. 38772/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 1051/2016

1. Learned counsel for the petitioner points out that the respondents had filed a petition i.e. RC. Rev. No.123/2013. The said petition was filed by the respondents seeking to impugn the eviction order passed by the ARC declining the leave to defend to the respondent. On 14.10.2014, the said petition was disposed of by this court noting that the parties agreed that not more than two opportunities would be given to the parties to complete their respective evidence and the trial court was also requested to complete hearing of final arguments within three months from the completion of the evidence. The trial court was requested not to grant any unnecessary

adjournments to either of the parties.

2. Learned counsel appearing for the petitioner submits that despite the above directions, the matter is still wandering around. He points out that the petitioner's evidence was complete on 10.03.2015. On 12.10.2015, RW1 was partly cross-examined and the matter was deferred for 27.11.2015 for further cross-examination. Evidence of RW1 is still not complete. In the meantime, some of the parties expired and hence, applications under Order 22 Rule 3 & 4 CPC have been filed which are pending for more than a year.

3. Keeping in view the above, the ARC is requested to, on the next date of hearing, dispose of the applications under Order 22 Rule 3 & 4 CPC. Thereafter, the ARC may fix date/dates for recording of evidence of the respondents on which date/dates the evidence of the respondent be completed forthwith without any adjournment whatsoever.

4. With the above directions, the present petition stands disposed.

JAYANT NATH, J

OCTOBER 21, 2016

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