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

+ **CM(M) 677/2017 & CM No.23425/2017 (for stay)**

DR. A.K. GUPTA

..... Petitioner

Through: Mr. O.P. Saxena & Mr. Sanjay
Verma, Advs.

Versus

S.IQBAL SINGH & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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13.07.2017

CM No.23426/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 677/2017 & CM No.23425/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order (dated 9th June, 2017 of CCJ-cum-ARC (West), Tis Hazari Courts, Delhi in ARC No.26230/2016) dismissing the application of the petitioner / tenant for summoning the witnesses.
4. The counsel for the petitioner has been heard.
5. The learned Additional Rent Controller (ARC) in a well written and well reasoned order evidently written after taking great pains in setting out as to how the petitioner / tenant has been since 30th September, 2009 delaying the disposal of the petition filed for his eviction, has held the evidence sought to be summoned by the petitioner / tenant to be not relevant and has imposed costs of Rs.50,000/- on the petitioner / tenant, out of which

Rs.25,000/- is to be deposited with the Delhi Legal Services Authority (DLSA) and Rs.25,000/- to be paid to counsel for respondents/landlords.

6. A perusal of the tabulation made by the learned ARC in the impugned order of proceedings on each and every date discloses that this Court vide order dated 8th February, 2016 directed the petition for eviction from which this petition under Article 227 arises to be disposed of before 28th May, 2016. More than one year has lapsed since then.

7. The learned ARC has set out the practices adopted by the petitioner / tenant owing where to the direction of this Court for disposal of the eviction petition by 28th May, 2016 has remained to be complied.

8. I am of the opinion that if this Court in this petition interferes and grants an opportunity to the petitioner / tenant to summon witnesses as sought to produce the records of electricity and house tax of several properties, the same will further contribute to delay in disposal and would amount to this Court itself not abiding by its earlier order dated 8th February, 2016 directing the petition for eviction to be disposed of by 28th May, 2016.

9. Though I also do not find any error on merits in the order impugned, requiring interference under Article 227, but deem it appropriate to while dismissing this petition observe that if the petitioner / tenant remains aggrieved from the final order to be passed by the ARC, the petitioner / tenant, in the remedy if any taken thereagainst, shall also be entitled to urge the grounds as have been urged in this petition.

Dismissed.

10. The counsel for the petitioner/tenant at this stage states that the order qua costs be set aside.

11. No ground therefor also is made out.
12. The ARC is now requested to dispose of the eviction petition as expeditiously as possible.
13. At this stage, the counsel for the petitioner states that the costs directed to be paid to Delhi Legal Services Authority (DLSA) be waived and he withdraws the petition with liberty to urge the grounds against the final order if against the petitioner / tenant.
14. The petition is dismissed as withdrawn and with liberty aforesaid and the costs of Rs.25,000/- directed to be paid to DLSA is waived; however the order of payment of costs to counsel for respondents/landlords shall stand. The direction for expeditious disposal of the eviction petition to also stand.

RAJIV SAHAI ENDLAW, J

JULY 13, 2017
'gsr'..