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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 705/2017 & CM No.24379/2017 (for stay)
RAM NIWAS GUPTA Petitioner

Through: Mr. Sanjay Agnihotri, Adv.

Versus

SHYAM LAL SHARMA (SINCE
DECEASED THR LRS) Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **14.07.2017**

CM No.24380-81/2017 (both for exemptions)

1. Allowed, subject to just exceptions.
2. The applications are disposed of.

CM(M) 705/2017 & CM No.24379/2017 (for stay)

3. This petition under Article 227 of the Constitution of India impugns the order (dated 10th July, 2017 of the Court of Additional Rent Controller (ARC), West, Tis Hazari Court, Delhi in ARC No.25600/2016) of dismissal of an application filed by the petitioner / tenant for taking on record pleas, documents and evidence qua subsequent events.
4. It was *inter alia* the plea of the petitioner / tenant that the respondent / landlord 'had carved out space from the tenanted shop by reducing the width of the walls of the ground floor and by installing a shutter and had let out the same'.
5. It emerges from the impugned order that the petition for eviction was instituted by the respondent / landlord as far back as in the year 2011 and at

the stage when the application aforesaid was filed, was listed for final arguments. Now, after dismissal of the application of the petitioner / tenant vide the impugned order, the eviction petition is listed today for final arguments.

6. It also emerges from the impugned order that this Court has directed expeditious disposal of the eviction petition.

7. The counsel for the petitioner / tenant informs that the direction of this Court is of the year 2012, for disposal of the eviction petition within six months therefrom i.e. within the year 2012 or by early 2013.

8. The counsel for the petitioner / tenant has argued that once the said direction /order has not been complied for five years, it will matter not if it is not complied for another one year. The counsel for the petitioner / tenant however at time of dictation states that he cannot possibly urge such argument.

9. Once there is an order of this Court for disposal of the eviction petition by the end of 2012 or early 2013, this Court cannot possibly in contravention thereof pass any order in this petition which would further delay the disposal of the petition.

10. Another reason given in the impugned order is that the petitioner has failed to satisfy the Court regarding the reasons for taking subsequent events on record.

11. The counsel for the petitioner / tenant finds fault with the said reasoning.

12. In the entirety of the facts, I am of the view that this petition should be disposed of by observing that if the final order in the proceedings is against

the petitioner / tenant and the petitioner / tenant takes any remedy thereagainst, it would be open to the petitioner / tenant to at that stage also challenge the order which has been challenged in this petition.

13. The petition is disposed of.

RAJIV SAHAI ENDLAW, J

JULY 14, 2017

‘gsr’..