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

+ CM(M) No.730/2017 & CM No.25113/2017 (for stay).

PRITAM DASS

.... Petitioner

Through: Mohd. Nayeemuddin, Adv.

versus

K C WADHWA

..... Respondent

Through: Mr. Ajay Gupta and Ms. Surbhi Gupta,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **02.08.2017**

1. This order is in continuation of the earlier order dated 19th July, 2017.
2. The counsel for the respondent appears.
3. The counsel for the petitioner has filed complete order sheet and which has been perused.
4. It is found (i) that on 18th August, 2015, the respondent / landlord was granted an opportunity to cross-examine the petitioner / tenant and the matter was posted for the said purpose on 26th September, 2015; (ii) though the order sheet of 26th September, 2015 is not available but the counsels are *ad idem* that the petitioner / tenant did not appear on that date and on request, the matter was adjourned to 8th December, 2015; (iii) on 8th December, 2015, though the petitioner / tenant again did not appear for cross-examination but both counsels sought joint adjournment and the matter was posted for 14th March, 2016; (iii) on 14th March, 2016 again the petitioner / tenant did not appear and adjournment was sought and observing that it would be the last opportunity, the matter was posted to 4th June, 2016; (iv) on 4th June, 2016 also the petitioner / tenant did not appear and request for adjournment was made and notwithstanding last opportunity having been given earlier, yet another opportunity subject to payment of costs of Rs.1,000/- was given and the matter adjourned to 10th August, 2016; and, (v) on

10th August, 2016 when the petitioner / tenant again did not appear for his cross-examination, the evidence of the petitioner / tenant was closed and the eviction petition posted for final arguments for 8th September, 2016.

5. It would thus be apparent that excluding the date on which joint request for adjournment was made, the petitioner / tenant has had four adjournments for the purposes of his cross-examination and on which dates the petitioner / tenant did not appear.

6. No error can thus be found in the order of the Additional Rent Controller closing the evidence of the petitioner / tenant in these circumstances.

7. The counsel for the respondent / landlord states that the effect would be that examination-in-chief of the petitioner / tenant would also not be read.

8. The counsel for the petitioner / tenant has argued that the petitioner / tenant was unwell on one date and in support of which a medical certificate has been filed and on another date, was hospitalised.

9. The medical certificates to which attention is drawn do not inspire confidence and in any case that is an explanation for only two of the dates. The petition for eviction from which this petition arises is informed to be of the year 2008.

10. The petitioner / tenant has already delayed the disposal of the petition for eviction sufficiently and cannot be granted any further indulgence.

Dismissed.

No costs.

RAJIV SAHAI ENDLAW, J

AUGUST 02, 2017

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