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

+ RC.REV. 449/2017, CM No.40274/2017 (of petitioner u/S 151 CPC)

GURMUKH

..... Petitioner

Through: Mr. D.K. Yati, Mr.K.N. Singh,
Mr. Rajender Gulati, Advocates

versus

SAPNA AGGARWAL & ORS

..... Respondents

Through: Ms. Ruhini Dey, Advocate

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

27.11.2017

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1. This Rent Control Revision Petition under Section 25-B(8) of the Delhi Rent Control Act, 1958 had come up before this Court first on 27th September, 2017, when, after full hearing and after substantial part of the order dismissing the petition had been dictated, the counsel for the petitioner stated that the petitioner does not press the petition and withdraws the same and will abide by the order of eviction and not challenge the same and confined the relief before this Court only to grant of two years time to vacate the premises.

2. Notice of the petition, limited to the aforesaid aspect was thus ordered to be issued for 23rd October, 2017.

3. On 23rd October, 2017, instead of the advocate who had appeared on 27th September, 2017 and who had argued and made the statement as aforesaid, another advocate appeared for the petitioner and wanted to argue the matter afresh.

4. Observing that the same was not permissible and in an attempt to put a stop to such abusive practice being adopted by the advocates, the personal appearance before this Court of the earlier advocates for the petitioner was requested.

5. The earlier advocates for the petitioner appear today and state that they had acted as per the instructions of the petitioner and the petitioner was present in person in the Court on 27th September, 2017.

6. The counsel now appearing for the petitioner states that the petitioner is present in the Court and is controverting what the advocates have stated. He also states that he has filed an application under Section 151 CPC in this regard showing that the respondents have obtained the order of eviction fraudulently and have no requirement of the premises in the tenancy of the petitioner.

7. If this Court itself stops respecting its earlier orders and on which it has acted, the lawyers and the litigants cannot be expected to abide by the same. In fact, it is highly unprofessional for the advocate who is now appearing for the petitioner to have taken up the brief without even consulting the advocates appearing earlier lest to talk of without having obtained their no objection. It appears that the advocate is becoming a mere mouthpiece for the client and if the advocate is not to lend his/her legal acumen to the matter and instead of helping in crystallizing the legal issues for consideration, becomes an agent for further complicating the matter and for further delaying the disposal of the matter, the presence of such advocates will have to be dispensed with and the Court might as well start dealing with the litigants themselves instead of through the advocates. Even

otherwise, once the litigant has engaged a counsel and has failed, he cannot have a second round merely by engaging another advocate who may be willing, dropping the professional conduct and ethics, to lend his shoulder to such a litigant.

8. The petitioner, having withdrawn the petition on 27th September, 2017, the petition is dismissed as withdrawn and the petitioner is burdened with costs of Rs.25,000/- payable to the Delhi High Court Bar Association Lawyers Welfare Fund on or before 8th December, 2017 and Mr.D.K. Yati, Advocate, now appearing for the petitioner to himself show to the Court Master by the said date the receipt of payment of costs. If the same is not done, the petition be re-listed for further action.

RAJIV SAHAI ENDLAW, J

NOVEMBER 27, 2017
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