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

+ CM(M) 782/2019

SHARDA AHUJA

..... Petitioner

Through : Mr.Parveen Suri, Advocate.

versus

SURESH KUMAR

..... Respondent

Through : NEMO.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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20.05.2019

CM APPL.No. 24018/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 782/2019 & CM APPL.No.24019/2019

This petition challenges the impugned order dated 14.05.2019 of the learned Additional Rent Control Tribunal, West District, Tis Hazari Courts, passed in appeal RCT No.32/2019 against an order dated 04.05.2019 of the learned RC in connection with transfer of the eviction petition under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 from the Court of Sh.Ajay Nagar, learned Additional Rent Controller, West District to some other Court.

The learned counsel for the petitioner has referred to an order dated 02.05.2019 in *Harsh Mander and Union of India & Another* W.P.(C) No.1045/2018 wherein the Supreme Court, *inter alia* has observed as under:-

“Having perused the said grounds, we would like to say that a litigant should not be permitted and allowed to question a Judge on perceived bias especially after hearing has commenced and orders on different dates have been passed. Normally, this should be left to the Judge himself who is bound by the oath of office to administer justice to all persons alike without fear, favour and prejudice. The litigant, without

any firm basis, cannot be permitted to raise such objection on the basis of the court hearing. To do so, would encourage parties to ask for change of the Judge in the hope that someone else is more likely to agree with them and not take a contrary view. Choosing judges in such a manner during the course of hearing would directly interfere with the administration of justice. The grounds stated by Shri Harsh Mander in his application for recusal of the Chief Justice from the Bench therefore have the potential of causing damage, harm and stall judicial adjudication. We would also observe that judicial functions, sometimes, involve performance of unpleasant and difficult tasks, which require asking questions and soliciting answers to arrive at a just and fair decision. If the assertions of bias as stated are to be accepted, it would become impossible for the Judge to seek clarifications and answers. {see observation of Kurian Joseph, J. in Supreme Court Advocates-on-Record Association v. Union of India (Recusal Matter), (2016) 5 SCC 808}. Therefore, it would be in the institutional interest for the present Bench to hear the matter which we propose to do on the next date fixed. We dismiss the recusal petition on the above-stated grounds. The application for permission to appear and argue as petitioner in person also stands disposed of.

The learned counsel for the petitioner says stay ought not to have been granted by the learned ARCT, once the matter was heard and reserved for orders by the learned ARC as it would amount to interference in administration of justice.

Nevertheless, the appeal before the learned ARCT is listed for 21.05.2019; the arguments be heard on the said date and the appeal be disposed of within a week from 21.05.2019. In view of the nature of relief claimed, notice to respondent was not essential.

With the above observations, the petition stands disposed of. The pending application also stands disposed of.

Copy of this order be given *dasti* under signature of the Court Master.

YOGESH KHANNA, J.

MAY 20, 2019

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