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

+ **CM(M) 995/2019 and CM APPL. 29712/2019, 29713/2019**

KALPANA RANI

..... Petitioner

Through: Ms. Indu Prasad, Advocate (M:
8860879191).

versus

SAVITRI DEVI (SINCE DECEASED) THR LRS Respondents

Through: Mr. Lalit Gupta and Mr. Siddharth,
Advocates (M: 9839211111).

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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07.02.2020

1. Ld. counsel for the Petitioner (tenant) submits that she wishes to not press this petition as the final arguments have been heard.
2. On the other hand, ld. counsel for the Respondents (landlords) submits that despite a specific order on 5th July, 2019, directing the Petitioner to place on record the order sheets of the Trial Court, the same has not been done. The said order was reiterated on 21st October, 2019 and despite the same, there is no compliance. He seeks to rely upon the last order passed by the ld. ARC dated 21st January, 2020 wherein the counsel appearing today on behalf of the Petitioner made a submission before the Court that since the present petition is pending in the High Court, the matter before the ld. ARC ought to be adjourned.
3. A perusal of the said order dated 21st January, 2020 shows that the ld.

counsel for the Petitioner is not arguing/making her submissions before the Id. ARC under the garb of the pendency of this petition - whereas in the present petition, no notice has been issued till date due to non-compliance of the orders of this Court. Clearly the Petitioner's conduct is not *bona fide*. Id. counsel for the Respondents also relies upon the earlier orders where repeated adjournments have been sought by the Petitioner and the affidavit by way of evidence has not been filed.

4. The Court has perused orders passed by the Id. ARC including the latest order dated 21st January, 2020. It is clear that the Petitioner is completely abusing the process of the Court by citing the pendency of this petition to postpone the arguments in the eviction petition. Such conduct cannot be permitted especially when the Petitioner is in complete non-compliance of the orders passed by this Court.

5. In any event, the Court has also perused the trial court's order dated 10th May, 2019. The said order clearly records that the Respondent No. 2, i.e. the Petitioner herein has not led the evidence despite repeated opportunities. On 29th April, 2019 also, the Petitioner was granted permission to file evidence subject to payment of costs which are stated to not have been paid. In view of all these defaults on behalf of the Petitioner, the impugned order does not warrant any interference. In view of the conduct of the Petitioner, the petition is dismissed with costs of Rs. 15,000/- to be paid to the Respondents on 11th February, 2020, the date already fixed before the Id. ARC. The previous costs imposed shall also be paid by the Petitioner. The Id. ARC shall proceed to pass orders irrespective of whether the Petitioner makes the final submissions in the matter or not, as it is clear that on one ground or the other the Petitioner is merely seeking

adjournments and trying to delay the matter.

6. The petition is dismissed in the above terms.

PRATHIBA M. SINGH, J.

FEBRUARY 07, 2020
MR