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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CM(M) 805/2022 & CM APPL. 35586/2022  
SMT. VIJAY LAXMI PARIK (DECEASED) THROUGH HER  
LR ..... Petitioner  
Through: Mr. Sultan Singh Khatri, Adv.

versus

JYOTI PARSHAD & ORS. .... Respondents  
Through: None

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**JUDGEMENT (ORAL)**

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**17.08.2022**

1. The petitioner is aggrieved by the fact that Eviction Petitions 105/1999 and 106/1999, subsequently renumbered as Eviction Petition 477845/2016 and Eviction Petition 477846/2016 instituted by her mother Vijay Laxmi Parik twenty two years ago, are still pending before the learned Additional Rent Controller (“the learned ARC”).

2. Learned Counsel for the petitioner submits that, owing to continued delay in the matter, Respondent 4 expired and the petitioner has now moved an application for substitution of the legal representatives of Respondent 4, on which application, too, the learned ARC has issued notice, returnable on 7<sup>th</sup> November 2022.

3. In the circumstances, this Court cannot do more than to express its concern at the fact that eviction petitions which were filed as far back as in 1999 are still pending. The proceedings in eviction petitions



are required to be dealt with expeditiously, as they involve the right to enjoyment of one's property, allegedly being enjoyed by another.

4. In this context, one may refer to the following passages in *Ishwarlal Mali Rathod v. Gopal*<sup>1</sup>:

“10. Today the judiciary and the justice delivery system is facing acute problem of delay which ultimately affects the right of the litigant to access to justice and the speedy trial. Arrears are mounting because of such delay and dilatory tactics and asking repeated adjournments by the advocates and mechanically and in routine manner granted by the courts. It cannot be disputed that due to delay in access to justice and not getting the timely justice it may shaken the trust and confidence of the litigants in the justice delivery system. Many a times, the task of adjournments is used to kill Justice. Repeated adjournments break the back of the litigants. The courts are enjoying upon to perform their duties with the object of strengthening the confidence of common man in the institution entrusted with the administration of the justice. Any effort which weakens the system and shake the faith of the common man in the justice dispensation has to be discouraged. Therefore the courts shall not grant the adjournments in routine manner and mechanically and shall not be a party to cause for delay in dispensing the justice. The courts have to be diligence and take timely action in order to usher in efficient justice dispensation system and maintain faith in rule of law. We are also aware that whenever the trial courts refused to grant unnecessary adjournments many a times they are accused of being strict and they may face displeasure of the Bar. However, the judicial officers shall not worry about that if his conscience is clear and the judicial officer has to bear in mind his duties to the litigants who are before the courts and who have come for justice and for whom Courts are meant and all efforts shall be made by the courts to provide timely justice to the litigants. Take an example of the present case. Suit was for eviction. Many a times the suits are filed for eviction on the ground of bonafide requirements of the landlord. If plaintiff who seeks eviction decree on the ground of personal bonafide requirement is not

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<sup>1</sup> 2021 SCC OnLine 921



getting the timely justice and he ultimately gets the decree after 10 to 15 years, at times cause for getting the eviction decree on the ground of personal bonafide requirement may be defeated. The resultant effect would be that such a litigant would lose confidence in the justice delivery system and instead of filing civil suit and following the law he may adopt the other mode which has no backing of law and ultimately it affects the rule of law. Therefore, the court shall be very slow in granting adjournments and as observed hereinabove they shall not grant repeated adjournments in routine manner. Time has now come to change the work culture and get out of the adjournment culture so that confidence and trust put by the litigants in the Justice delivery system is not shaken and Rule of Law is maintained.”

5. This petition is, accordingly, disposed of with a direction to the learned ARC to complete the proceedings relating to the aforesaid eviction petitions as expeditiously as possible and preferably within six months from today.

6. Mr. Khatri, learned Counsel for the petitioner has pointed out that the matter was fixed for final arguments as far back as in January 2020 and is yet to be heard.

7. The learned ARC is, therefore, directed to ensure that no unnecessary adjournments are granted and no applications, which are frivolous or intended to protract the proceedings, are entertained.

8. With the aforesaid observations, this petition is disposed of.

**C. HARI SHANKAR, J**

**AUGUST 17, 2022**

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