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

Date of decision: 07.11.2023

+ CM(M) 947/2023 & CM APPL. 30154/2023

RAMESH KUMAR & ORS.

..... Petitioners

Through: Mr. Nikhilesh Krishnan and Mr.
Abhishek Bhushan Singh, Advocates
versus

RAJIV SHARMA

..... Respondent

Through: Mr. Sanjeev Soni, Advocate for R-3
with R-3 in person

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 227 of the Constitution of India, impugns the order dated 02.05.2023 passed by ARC-1, Tis Hazari Courts, Delhi. ('Trial Court'), in E. No. 77839/2016, titled as **Sh. Rajiv Sharma v. Sh. Ramesh Kumar & Ors.**, whereby the Trial Court allowed the application dated 21.12.2022 filed by the Respondent i.e., the plaintiff under Section 151 of the Code of Civil Procedure, 1908 ('CPC') and closed the right of the Petitioners herein to lead evidence.

1.1. The Petitioners herein are the defendants and Respondent is the plaintiff before the Trial Court.

1.2. The Respondent filed an eviction petition under Section 14 (1) (e)



read with Section 25B of the Delhi Rent Control Act, 1958 on 05.07.2010, against the Petitioners for eviction of the said Petitioners from the tenanted premises i.e., Shop No.1 (Private) on the ground floor of the property bearing no. 51-AF (also called F-51A), Kolhapur Road, Kamla Nagar, Delhi, more specifically shown in red colour in the site plan.

1.3. The Respondent herein filed an application under Section 151 CPC on 21.12.2022 praying for closure of Petitioner's evidence. It was stated in the said application that since 10.02.2021 the Petitioners have got more than 13 opportunities but the Petitioners have not concluded their evidence despite the order of this Court dated 15.10.2014 passed in Revision Petition No. 218 of 2012, whereby this Court directed that only two (2) opportunity be given to each party to complete evidence and no extension be granted.

1.4. The abovesaid application of the Respondent was allowed vide order dated 02.05.2023 and the same is impugned in this petition.

2. With the consent of the parties, the following directions are being passed:

2.1. The Petitioner will be permitted to examine Respondent Witness-3 (RW-3) Sh. Lakshmender, RW-4 Sh. Somnath Saini and RW-5, Sh. Norton, subject to payment of costs of Rs. 50,000/- on or before 23.11.2023.

2.2. The said three (3) witnesses will remain present before the Trial Court on 23.11.2023 and on each subsequent date until their examination and the cross-examination is concluded.

3. The Petitioners had undertaken to this Court that he will not seek any adjournment before the Trial Court until the examination of his witnesses is concluded and he understands that if any adjournment is sought then the right to lead evidence granted by this order shall stand closed, without



seeking any clarification of the Court.

3.1. The Respondent will not seek any adjournment and conclude the cross examination of the said witnesses as per the dates fixed by the Trial Court.

3.2. The Petitioners herein will promptly take appropriate steps for summoning the formal witness for production of judicial record from the court record room of Tis Hazari Courts. The said liberty is granted subject to the Petitioners furnishing requisite particulars of the judicial record in the summoning application, so as to enable the record room of the Court of Tis Hazari to send the record for evidence. It is made clear that maximum two (2) opportunities will be granted to the Petitioners for summoning of the said judicial record.

4. The learned counsel for the Respondent has stated that the second official witness which the Petitioners seeks to summon is from the Office of the 'Navbharat Times' to prove the newspaper publications filed on record as part of Exhibit RW-4, RW-5, RW-6, RW-9, RW-10 and RW-11.

4.1. The learned counsel for the Respondent states that since the photographs which has been filed as a part of the said exhibits has already been admitted in evidence, the Respondent herein waives the formal proofs of the newspaper.

4.2. The said statement of Respondent is taken on record and therefore, no permission is required by the Petitioners for summoning the witness from 'Navbharat Times'.

5. The parties are bound down to the statements made before this Court today.

6. After the conclusion of the evidence, the learned Trial Court is requested to hear the final arguments in accordance with the order dated



15.10.2014 passed by this Court in Revision Petition No. 218 of 2012.

7. With the aforesaid directions, the present petition is disposed of.
Pending application stands disposed of.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 7, 2023/msh/sk

Click here to check corrigendum, if any