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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 158/2016**

CHANAN KAURPetitioner

Through: None.

versus

ABDUL HAROONRespondent

Through: Mr. Rakesh Dhingra, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

27.02.2025

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CM Appl.11789/2025/For modification]

1. This is an Application filed on behalf of the Applicant/Respondent seeking modification of the order dated 11.11.2024.

2. Learned Counsel for the Applicant/ Respondent is unable to clarify as to what modification he requests. The only contention that has been made is that the advocate who appeared on behalf of the Respondent, on the day when the matter was disposed of by this Court did not have any instructions on the number of witnesses sought to be summoned by the Respondent.

3. The present Petition was filed by the Petitioner impugning the order dated 24.07.2015 passed by the learned ARC, Central District, Delhi with respect to the premises i.e. plot no. 1 out of Khasra No. 396, Khatuni No. 126 at Amar Park, Rohtak Road, Jakhira, Delhi [hereinafter referred to as "subject premises"]. By the Impugned Order, the leave to defend Application filed by the Respondent has been allowed.

3.1 After examining the matter on 22.10.2024, the following directions were passed:

"3. On a query put by the Court as to the present status of the Petition before the learned Trial Court, the learned Counsel for the Petitioner



submits that he has no instructions. Learned Counsel for the Respondent however submits that the evidence is being recorded by the Petitioner.

4. It is surprising that after a lapse of 9 years of leave to defend being allowed, the Petitioner's/landlord's evidence is still being recorded.

5. At the request of learned Counsel for the Petitioner, list on 11.11.2024.

6. The Petitioner shall file an Affidavit setting out as to why the matter is pending for the last 9 years before the learned Trial Court.

7. The Petitioner shall also be physically present before this Court on the next date of hearing.

...

9. The Registry is also directed to supply a copy of the order passed today to the learned Trial Court in Eviction petition No.543/2014."

4. The Court had on that date directed that a copy of the order passed today be also supplied to the learned Trial Court who is hearing the Eviction Petition. Subsequently, the matter was listed before the Court on 11.11.2024. The Petitioner on that date submitted that the Petitioner's evidence has already been completed and the Respondent has sought to examine only one witness in the matter.

5. In view of the fact that the despite the lapse of 9 years, the trial had not been concluded, on 11.11.2024 this Court deemed it apposite to the pass the following directions:

*"2. Given the fact that this matter has been pending for a period of 9 years after leave to defend was allowed, **the learned Trial Court is requested to conclude the evidence and arguments in the matter as soon as possible.***

*3. Learned Counsel **for the parties submit that they will not take any unnecessary adjournments before the learned Trial Court in the matter and will conclude the matter expeditiously before the learned Trial Court.**"*

[Emphasis Supplied]



6. As can be seen from above, the directions that were passed by this Court were to conclude the evidence and arguments as soon as possible and that the parties would not take any unnecessary adjournments before the learned Trial Court.
7. The only ground raised by the Applicant/Respondent in the present Application is that the Counsel for the Respondent appeared on 11.11.2024 did not have the consent of the Respondent to state that there is only 1 witness to be examined before the Trial Court
8. As stated above, no consent was requisite from the Respondent. This Court has only passed a direction for an expeditious conclusion of the Trial.
9. The Application is disposed of in the foregoing terms.

TARA VITASTA GANJU, J

FEBRUARY 27, 2025/r

Click here to check corrigendum, if any