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

% **Date of Decision: 7th April, 2025**

+ CM(M) 3018/2024 & CM APPL. 41703/2024

PARMOD KUMAR JAIN

.....Petitioner

Through: Mr. Pardeep Diwan Sr Advocate with
Mr. Ankit Gupta and Ms. Anupam
Dhingra and Mr. Akash Yadav,
Advocates

versus

SEEMA GUPTA

.....Respondent

Through: Mr. Bhagat Singh, Advocate.

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+ CM(M) 98/2025 & CM APPL. 3008/2025 & CM APPL. 5626/2025

PARMOD KUMAR JAIN

.....Petitioner

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Mr. Ankit Gupta and Ms. Anupam
Dhingra and Mr. Akash Yadav,
Advocates

versus

SEEMA GUPTA

.....Respondent

Through: Mr. Bhagat Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Both the petitions emanate from an eviction petition filed by the respondent Ms. Seema Gupta whereby she seeks eviction of her tenant on the ground of *bona fide* requirement.
2. The case is, reportedly, fixed for tomorrow for final arguments.
3. The grievance in both the above said petitions is with respect to the leading of further evidence by tenant (petitioner herein).



4. Learned counsel for respondent/landlady, without prejudice to her rights and contentions, submits that in order to ensure that there is no further delay in the eviction petition, he would have no objection if one opportunity is granted to petitioner to examine the concerned neighbors and the MCD officials tomorrow itself.

5. He, however, also submits that the onus to bring such witnesses should be rather put upon the tenant so that there is no unnecessary delay in the matter else the purpose of filing the Eviction Petition on the ground of *bona fide* requirement would render infructuous.

6. Learned Senior Counsel for the petitioner, on instructions, submits that he would ensure that the concerned neighbours are produced by the tenant himself tomorrow before the learned Rent Controller. It is also submitted that same MCD official is required to appear with the relevant record in one connected Eviction Petition before the same Court. In such eviction petition, the tenant is Salekh Chand Jain and it is submitted that the petitioner herein may also be permitted to examine said official in the present Eviction Petition, in case, he turns up tomorrow before the learned Rent Controller.

7. Keeping in mind the overall facts and circumstances of the case and the concession given by the learned counsel for respondent, both the petitions are disposed of by permitting tenant Mr. Pramod Kumar Jain to examine the concerned neighbours. However, it will be for such tenant himself to produce them before the Court. Additionally, if the abovesaid MCD official also appears before the Court tomorrow with the relevant record, *albeit*, in a different case, such MCD official be also permitted to be examined in the



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present Eviction Petition. It is, however, made clear that under no circumstances, the tenant shall be entitled to any further opportunity to examine such witnesses.

8. The present petitions, along with pending applications, stand disposed of in aforesaid terms.

9. All the rights and contentions of the parties are reserved.

10. Order *dasti* under the signatures of the Court Master.

(MANOJ JAIN)
JUDGE

APRIL 7, 2025/sw/SS