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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 210/2024 & CM APPL. 6649/2024 (stay), CM APPL.
54695/2024 (for directions)

GURVINDER SINGH LAMBAPetitioner

Through: Mr.Vipin Nandwani, Adv.

versus

DELHI SIKH GURDWARA MANAGEMENT
COMMITTEERespondent

Through: Mr. Satvinder Singh and Mr.
Gagandeep Singh and Ms. Dilsheen
Kaur, Advs.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
27.02.2025

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1. The present petition impugns the order dated 19.12.2023 passed by the learned Additional Rent Controller in the Eviction Petition bearing No.16/2020, titled as "*DELHI SIKH GURDWARA MANAGEMENT COMMITTEE Vs. GURVINDER SINGH LAMBA*".
2. Respondent filed an Eviction Petition under Section 22(d) of the Delhi Rent Control Act, 1958 against the petitioner herein.
3. Upon completion of pleadings, the learned Trial Court vide order dated 29.08.2022 listed the matter for evidence of the respondents on 10.10.2022.
4. Vide impugned order dated 19.12.2023, the learned Trial Court closed the right of the petitioner to cross-examine PW-1 and adjourned the matter for petitioner's evidence.



5. The impugned order dated 19.12.2023 reads as follows:-

“Present: Sh. Satvinder Singh, Ld. Counsel for the petitioner
alongwith petitioner.

Sh. Vipin Nandwani, Ld. Counsel for the respondent.

Ld. Counsel for the respondent submits that his file is not traceable and he has sought adjournment.

The case pertains to the year 2020 and the evidence by way of affidavit was tendered on 25.09.2023. The matter was adjourned only for the reason that the Ld. Main counsel was not available.

Today also Ld. Main counsel for the respondent have revealed his inability, therefore, this Court is constrained to close the opportunity of the respondent to cross examine PW-1.

Ld. Main counsel for the respondent submits that after it has been revealed that this court is closing the evidence of PW-1, he will cross examine PW-1 by 02:00 P.M. It is duly noted.

Now, put up on 19.02.2024 for R.E.”

6. Perusal of the Trial Court record reveals that in between 29.08.2022 and 19.12.2023, there were six adjournments for the evidence of the respondent.

7. The only adjournment at the request of the petitioner was on 28.09.2023. The adjournments on the previous court date were not on account of any request made by the present petitioner.

8. The delay in cross-examination of PW-1, therefore, cannot be attributed to the petitioner.

9. The right to cross-examine the witnesses is a valuable right which under ordinary circumstances should not be denied, failing which, the rights of the concerned party may get adversely affected.

10. The learned Trial Court took a hyper-technical approach in closing the right of the cross-examination, even though, the counsel for the petitioner did make a request to cross-examine PW-1 on the same day at 02:00 PM.

11. Keeping in view the entire facts and circumstances, Court is unable to sustain the order dated 19.12.2023 and, therefore, the same is set aside.



12. The petition is allowed, subject to the condition that petitioner shall get only one opportunity to cross-examine PW-1 and shall not seek any adjournment on account of any reasons whatsoever.

RAVINDER DUDEJA, J

FEBRUARY 27, 2025/sky/f