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

+ **CM(M) 1294/2026 & CM APPL. 38461/2026 (Stay)**

RAJENDER KUMAR AND ORS

.....Petitioners

Through: Mr. Tarun Khanna, Mr. Chandra Vijay
Sharma, Ms. Shaguna Gupta and Ms.
Annu Gupta, Advocates.

versus

ASHOK DUA

.....Respondent

Through: None. (notice not issued)

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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01.06.2026

1. This hearing has been done through hybrid mode.

CM APPL. 38462/2026 (Exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM(M) 1294/2026 & CM APPL. 38461/2026 (Stay)

3. The present petition under Article 227 of the Constitution of India, 1950, seeks the following prayers: -

“i. Set aside the judgment dated 30.01.2026 passed by the Ld. Principal District & Sessions Judge/Rent Control Tribunal, East District, Karkardooma Courts, Delhi in RCT No. 7/2025;

ii. Set aside the orders dated 15.05.2024 and 21.05.2025 passed by the Ld. ARC in RC/ARC No. 106/2017 to the extent they close/decline the Petitioners' right to lead evidence and reject the Petitioners' request to bring material evidence on record;

iii. Direct the Ld. ARC to first decide the pending application under Order VII Rule 14(3) CPC / and to take on record additional documents filed by the Petitioner's in accordance with law;



iv. Grant the Petitioners one effective opportunity, on such terms as this Hon'ble Court may deem fit, to lead evidence and prove the subsequent sale deed and connected documents;

v. Stay further proceedings/final arguments in RCARC No. 106/2017 during pendency of the present petition; and

vi. Pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

4. *Vide* impugned judgment dated 30.01.2026, the learned Rent Control Tribunal had dismissed an appeal, **RCT No.7/2025**, under Section 38 of the Delhi Rent Control Act, 1958, filed by the petitioners assailing orders dated 15.05.2024, and 21.05.2025 passed by learned RC in RC ARC No. 106/2017 whereby, despite grant of one opportunity by learned Rent Control Tribunal, affidavit of evidence and application for bringing on record documents were not filed, and further opportunity to file the same was closed.

5. An eviction petition under Section 14(1)(e) of the Delhi Rent Control Act, 1958 was filed at the instance of the respondent herein against the petitioners, claiming himself to be the landlord of the subject property. After the respondent examined himself in evidence, the respondent-landlord's evidence was closed on 23.11.2021, and opportunity was given to the present petitioners to lead evidence and file their affidavit of evidence. Despite granting several opportunities, *vide* orders dated 22.03.2022 and 17.05.2022, when no evidence was led by the petitioners, and in such circumstances, the learned RC had closed the evidence of the petitioners on 17.08.2023, and the matter was fixed for final arguments. A review application filed by the petitioners regarding the same was also dismissed on 13.09.2023. The petitioners, thereafter, had filed an appeal, **RCT No. 10/2023**, challenging the



order dated 17.08.2023, which was allowed *vide* judgment dated 14.03.2024 by learned Rent Control Tribunal subject to cost of Rs.30,000/-, and the petitioners were given only one opportunity for leading the evidence on 19.04.2024.

6. On 19.04.2024, the petitioners paid the cost and supplied the copy of affidavits of evidence alongwith an application for bringing on record some additional documents to the respondent; however, no affidavits of evidence were filed in Court. On the said date, as per records, none of the petitioners appeared before the Court but one week was granted to file the said application for additional evidence as well as affidavits of evidence, and the matter was adjourned for 15.05.2024. The direction given by learned RC *vide* order dated 19.04.2024 was not complied with nor any evidence was filed. The learned RC, on 15.05.2024 keeping in mind the aforesaid non-compliance, closed the right of the petitioners to lead evidence. Said order dated 15.05.2025 was further sought to be reviewed by the petitioners by way of an application under Section 114 of the CPC which was dismissed by learned RC *vide* order dated 21.05.2025.

7. Challenging the aforesaid orders dated 15.05.2025 and 21.05.2025, the subject appeal, **RCT No.7/2025**, was filed by the petitioners, which was dismissed by the learned Rent Control Tribunal *vide* impugned judgment dated 30.01.2026 by observing as under: -

“6) Record shows that appellants no. 1 and 2 have got prepared their respective affidavits of evidence and application for additional evidence under Order 7 Rule 14 (3) CPC on 19-4-2024 itself but those were filed in court only on 4-6-2024. When the same were already prepared, then why these were not filed in the court on 19-4-2024 itself has remained unexplained fact. Even if it is presumed for sake of arguments that those



were prepared after the date of hearing, then also the same could have been filed on same day later on in the court or at filing counter which remains open till 5 p.m. Id. Trial Court vide order dated 19-4-2024 had again given the time of one week to file the same but appellants did not comply the said order and kept the same with them. Even on the next date of hearing i.e. 15-5-2024 it was not filed directly in court and filed only on 4-6-2024. There is no explanation why from 19-4-2024 to 4-6-2024 steps were not taken for submitting the same at filing counter or in the court directly.

7) My Id. Predecessor vide order dated 14-3-2024 had already pointed out towards negligent act and conduct of the appellants but still gave one more opportunity for leading evidence after imposing very heavy costs but record shows that appellants did not learnt any lesson and again showed negligent conduct and inaction.

8) Counsel for appellant stated that he had suffered fracture on 15-3-2024 so he could not file the affidavits in court or in filing counter. However, this explanation is not acceptable because when he himself could appear in court on 19-4-2024 and affidavits of evidence were also prepared, then withholding the same from court without any explanation is nothing but is a clearcut case of non compliance of directions of this court dated 14-3-2024. Medical prescription filed by counsel nowhere shows that he was totally advised bed rest. There is nothing on record to show that counsel for the appellants did not attend his office or courts in order to attend his cases from 15-3-2024 onwards till 19-4-2024. Number of his cases must have been fixed during this period and he could show from the ordersheets of those cases to point out that he did not appear personally in any court and not conducted proceedings but nothing was done in this regard.

9) Reliance placed upon the medical prescription of associate counsel Ms. Piyushi Garag dated 13-5-2024 is also not helpful to the appellants. Vakalatnama filed in Trial Court record on behalf of appellants shows that 3-4 associate counsels also signed the same besides the main counsel. This is not in dispute that main counsel has his own clerk/munshi also. Main counsel could ask any one of his associates or even his clerk to deposit the affidavits and application before the court directly or in the filing counter but such step was also not taken till 4-6-2024 despite the fact that the same were already lying prepared with him since 19-4-2024. Appellants should have been more vigilant after getting



relief from this court vide order dated 14-3-2024 but they still remain negligent. None of the appellants even choose to personally come to the court on 19-4-2024 and 15-5-2024 to show their bonafide that they are ready to step into the witness box as per opportunity got with much difficulty and with heavy costs from Id. Predecessor of this court.

10) After considering the above facts and circumstances, I am of the view that there is no ground exist to grant any other opportunity to the appellants for leading evidence. Leniency cannot be shown again and again merely on the ground that costs were paid and advance copies of affidavits were given on 19-4-2024 to the opposite party. Simple giving of advance copies of affidavits was not sufficient but the same were required to be filed in the court itself and witnesses should have to turn up in the court but this was not done on 19-4-2024 and even on next date of 15-5-2024. No question arises for grant of any other opportunity to the appellants for leading evidence even on very very heavy costs. There is no error committed by Id. Trial Court while passing orders dated 15-5-2024 and 21-5-2025, so both these orders are upheld. No legal issue is even involved for entertaining this appeal under Section 38 of the DRC Act.”

8. It is pertinent to note that the aforesaid judgment was passed on 30.01.2026, and the present petition was filed before this Court on 04.05.2026, and the same has been listed for hearing before this Court today.

9. It is pointed out that the matter is now listed for final arguments for 06.06.2026 before learned RC.

10. From the perusal of the aforesaid impugned judgment as well as the records of the case, it is apparent that the petitioners have been consistently negligent and have managed to delay the trial for nearly three years, since the passing of the first order closing their right to lead evidence.

11. In these circumstances, this Court finds no reason to interfere with the aforesaid impugned judgment.

12. The present petition is dismissed and disposed of.

13. Pending application(s), if any, also stands disposed of accordingly.



14. Order be uploaded on the website of this Court, *forthwith*.

**AMIT SHARMA, J
(VACATION JUDGE)**

JUNE 01, 2026/sn/ns