

E. No.157/19
New No.770/19
17.08.2020

The present matter has been taken up for hearing today by way of video conferencing in compliance of order bearing no. 323-355/RG/DHC/2020 dated 15.08.2020 passed by the Hon'ble High Court of Delhi.

Present: Ld. Counsel for the petitioner.
None for the respondent.

An e-mail has been sent to the Court on 16.08.2020 by one Mr. Praveen Pandey stating that he has sent the e-mail on behalf of Mr. S.M. Anis, Ld. Counsel for the respondent.

A request for adjournment has been made in this e-mail. Contents of the e-mail have been read out to the Ld. Counsel for the petitioner.

It is stated in the e-mail that Mr. S.M. Anis, Ld. Counsel is the main arguing Counsel of the respondent and is 70 years of age. It is pleaded that he is not well versed with technology and is unable to join the hearing through video conferencing mode. It is stated that due to the Covid-19 pandemic, he is staying at home. It is prayed that the case be adjourned till the normal physical functioning of the Court is resumed. Copy of a letter dated 06.08.2020 of the Ld. Registrar General of the Hon'ble High Court of Delhi has been attached in the e-mail.

Ld. Counsel for the petitioner opposes the request for adjournment. He submits that the e-mail has not been sent by an authorized person. He submits that either the respondent or the Counsel whose vakalatnama is on record could have only requested for adjourning the case. He submits that Mr. S.M. Anis, Ld. Counsel has been appearing before Courts in other cases and request for adjournment has been made only to delay the disposal of the present case.

Ld. Counsel for the petitioner submits that the son of the respondent is

himself an advocate. Yet, even the son has not appeared before the Court. He submits that everyone uses smartphones and can easily take part in Court proceedings through video conferencing. He states that despite seeking adjournment on 31.01.2020 for filing of rejoinder, rejoinder has not been filed and copy has not been supplied.

Record is perused.

The respondent has relied upon the letter no. 249/RG/DHC/2020 dated 06.08.2020 of the Ld. Registrar General of the Hon'ble High Court of Delhi in which it has been stated that no adverse order is to be passed in non-urgent/routine matters where the concerned advocate/litigant is unable to join the Court proceedings through video conferencing till the time the normal functioning of the Courts is resumed.

Due to the Covid-19 pandemic, from March, 2020, the functioning of Courts were suspended. After passage of some time, the Hon'ble High Court directed that urgent cases and cases ready for final arguments are to be taken up by Courts through video conferencing. It was specified that Courts of Rent Controllers and Additional Rent Controllers will also take up matters through video conferencing in which application seeking leave to defend is pending disposal in cases filed on the ground of bonafide requirement, besides the final argument's cases. Therefore, the Hon'ble High Court made an exception for eviction petitions filed on the ground of bonafide requirement in which application for leave to defend is pending. As such, it is evident that the Hon'ble High Court did not consider such cases to be non-urgent and routine matters. In this regard, reference is made to the order No. R-235/RC/DHC/2020 dated 16.05.2020.

For these reasons, since the present case is at the stage of deciding application for leave to defend in an eviction petition filed on the ground of bonafide requirement of the landlord, the present case is not a non-urgent/routine matter and as such, the aforementioned direction of the Hon'ble High Court given vide letter no. 249/RG/DHC/2020 dated 06.08.2020

that no adverse order is to be passed in the absence of advocate/litigant, does not apply in the present case.

Yet, a lenient view is taken and the matter is adjourned. An opportunity is granted to the Ld. Counsel for the respondent to appear before the Court on the next date of hearing and address arguments. In case it is not convenient for him to appear before the Court to address arguments on the application for leave to defend, he is at liberty to e-mail to the Court his written arguments prior to the next date of hearing. The e-mail address of the Court is arc1.central4220@gmail.com.

Part arguments of the Ld. Counsel for the petitioner on the application for leave to defend are heard.

To come up for further arguments on application for leave to defend on 20.08.2020. Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
17.08.2020