

E.No.904/14

New No.77548/16

20.08.2020

A.D. Parchanda Vs. Bishnu Saha

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: None.

By the aforementioned order of the Hon'ble High Court r/w order no. 26/DHC/2020 dated 30.07.2020 also of the Hon'ble High Court, it has been directed that evidence in contested cases is not to be recorded till normal functioning of the Courts is not resumed.

In these circumstances, matter is adjourned for petitioner's evidence to 19.12.2020.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

E. No.182/18

New No.1120/18

20.08.2020

Manju Goel Vs. Juitex India

File was not taken up on 30.03.2020 in view of the order bearing no. 159/RG/DHC/2020 dated 25.03.2020 passed by the Hon'ble High Court of Delhi and the matter was adjourned to 20.08.2020.

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: None.

Record is perused.

The case is listed today for arguments under Section 15(1) of the Delhi Rent Control Act and for recording petitioner's evidence.

By the aforementioned order of the Hon'ble High Court r/w order no. 26/DHC/2020 dated 30.07.2020 also of the Hon'ble High Court, it has been directed that evidence in contested cases is not to be recorded till normal functioning of the Courts is not resumed.

No one has appeared today for addressing arguments on the point of Section 15(1) of the Delhi Rent Control Act.

In these circumstances, matter is adjourned for arguments on the point of Section 15(1) of the Delhi Rent Control Act and for petitioner's evidence to 21.12.2020.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

E. No.84/12

New No.78841/16

20.08.2020

Keshav Kumar Vs. Om Prakash

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: None.

As no one has appeared today, matter is adjourned for arguments on application under Order 22 Rule 3 r/w Section 151 of Code of Civil Procedure filed by petitioner and on application under Order 22 Rule 4 r/w Section 151 of Code of Civil Procedure filed on 05.09.2019 by Mr. Rajiv Bhatia, to 04.01.2021.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

E. No.124/18

New No.523/18

20.08.2020

Gayatri Sharma Vs. Dinesh

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: None.

As no one has appeared today, matter is adjourned for payment of cost and for arguments on the point 15(1) of the Delhi Rent Control Act, to 21.11.2020.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

E. No.68/19

New No.464/19

20.08.2020

Neelam Kumari Vs. Shyam Lal

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: Mr. Serman Rawat, Ld. Counsel for the petitioner.
None for the respondent.

Ld. Counsel for the petitioner submits that copy of the rejoinder has not been supplied to the petitioner till date despite the fact that last date of hearing was way back on 27.01.2020. He requests that the right of the respondent to file rejoinder be closed. He points out that the present case is an eviction petition filed on the ground of bonafide requirement and since the application for leave to defend is pending, the present case is not a non-urgent/routine matter and therefore, adverse order can be passed against the respondent.

Record is perused.

On the last date of hearing which was more than six months back, the respondent was directed to supply advance copy of the rejoinder to the petitioner atleast 15 days prior to today's date of hearing.

There is no reason to disbelieve the submission made on behalf of the petitioner that copy of the rejoinder has not been supplied.

As per the report of the Ahlmad, rejoinder has not been filed till date.

By letter no. 249/RG/DHC/2020 dated 06.08.2020 of the Ld. Registrar General of the Hon'ble High Court of Delhi, it was directed that no adverse order is to be passed in non-urgent/routine matters, where the concerned advocate/litigant is unable to join the 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 arguments' 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.

More than six months have lapsed since the last date of hearing and rejoinder has not been filed. The right of the respondent to file rejoinder is hereby closed.

To come up for arguments on application for leave to defend on 23.12.2020.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

E. No.157/19

New No.770/19

20.08.2020

Feroz Ahmed Vs. Chandan Lal @ Chandu

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.

Copy of the order passed on the last date of hearing was sent to the Ld. Counsel for the respondent.

In response to the e-mail by which copy of the order was sent, an e-mail has been received by Mr. Praveen Pandey, Ld. Proxy Counsel for the respondent. It is stated in the e-mail that Mr. S.M. Anis, Ld. Main Counsel for the respondent does not have any infrastructure set up at his residence. It is pleaded that file of this case is in the office of the Ld. Counsel and is not available at his residence. It is submitted that even a stenographer/typist is not available for drafting of written submissions and therefore, the respondent is unable to send written submissions. It is stated that Mr. S.M. Anis is about 70 years of age and his wife has symptoms of Covid-19 and therefore, he is taking precautions and avoiding to go out and restraining himself from contacting people outside.

It is requested that the case be adjourned till physical hearing of Courts is resumed.

The request for adjournment is opposed by Ld. Counsel for the petitioner. He submits that no document has been filed to substantiate that wife of the Ld. Main Counsel for the respondent has symptoms of Covid-19. He submits that the Ld. Counsel for the respondent is deliberately not appearing before the

Court. He submits that he can furnish proof of the associates of the Ld. Main Counsel running his chamber even on today's date. Ld. Counsel for the petitioner submits that the son of the respondent is himself a practicing advocate and yet, is not appearing before the Court.

Arguments are heard and the record is perused.

On the last date of hearing, by a speaking order, the Court has already declined the request made on behalf of respondent to adjourn the case till physical hearing of the Courts is resumed. An adjournment is again sought on similar grounds.

Order XVII of Code of Civil Procedure provides for the circumstances under which cases can be adjourned. Rule 1 of Order XVII provides that no adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party. It is further provided that even the illness of a pleader or his inability to conduct the case for any reason shall not be a ground for adjournment unless the party seeking adjournment could not have engaged another pleader in time.

In case the Ld. Main Counsel for the respondent is unable to appear through video conferencing and is not even able to e-mail written submissions to the Court, the respondent could have engaged another Counsel for doing the same. It is not certain as to when the physical hearing of Courts will be resumed and the case cannot be adjourned indefinitely.

By order no. R-235/RC/DHC/2020 dated 16.05.2020 of the Hon'ble High Court of Delhi, the Hon'ble High Court passed certain directions which clearly indicate that eviction petitions filed on the ground of bonafide requirement in which application for leave to defend are pending are to be given priority by the Courts for speedy disposal.

No cogent grounds for adjourning the case have been disclosed by the respondent. As such, the application for adjourning the case sent to the Court by e-mail dated 18.08.2020 is dismissed.

At this stage, Ld. Counsel for the petitioner submits that the respondent

had contacted the petitioner and has offered that the case may be settled.

Ld. Counsel for the petitioner requests that matter may be adjourned and be listed after 7-10 days so that the parties can explore the possibility of settlement.

Since now the petitioner also wants that the case be adjourned so that the possibility of settlement can be explored, matter is adjourned. However, it is made clear that no further adjournments shall be granted to either of the parties on the next date of hearing since the court has already read the file and has also heard arguments in part.

To come up for arguments on application for leave to defend on 27.08.2020.

The respondent is again granted an opportunity to file written submissions by e-mailing it to the Court at arc1.central4220@gmail.com, before the next date of hearing.

Copy of this order be sent to the Ld. Counsels for the parties.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

E.No.71/20

New No.258/20

20.08.2020

File is received by way of assignment. It be checked and registered.

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 : None.

Record is perused.

On filing of PF, WhatsApp number, fax number and e-mail address of the respondent within two weeks from today, issue summons under the Third Schedule of the Delhi Rent Control Act for it to be served upon the respondent through WhatsApp, fax and e-mail.

To come up on 13.10.2020.

Copy of this order be sent to the Ld. Counsel for the petitioner.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

E.No.70/20

New No.259/20

20.08.2020

File is received by way of assignment. It be checked and registered.

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 : None.

Record is perused.

On filing of PF, WhatsApp number, fax number and e-mail address of the respondent within two weeks from today, issue summons under the Third Schedule of the Delhi Rent Control Act for it to be served upon the respondent through WhatsApp, fax and e-mail.

To come up on 13.10.2020.

Copy of this order be sent to the Ld. Counsel for the petitioner.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020

Ex.No.9/20

New No.795/20

20.08.2020

Fresh petition is received. It be checked and registered.

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: None.

Record is perused.

Nazir is directed to file his report.

To come up on 11.09.2020.

Copy of this order be sent to the Ld. Counsel for the decree holder.

(Shirish Aggarwal)
ARC-1, Central District
Tis Hazari Courts, Delhi
20.08.2020