

Misc. No.12/2020

In the matter of :

Smt. Sudarshan Wadhwa
W/o Sh. O.L. Wadhwa,
R/o 1B1, Mukharjee Park,
New Delhi.

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Appellant

VERSUS

Smt. Tripta Gupta
R/o 1B1-1B2, Mukharjee Park,
New Delhi.

...-... Respondents

Date of institution of the suit : 30.01.2020
Date of reserving order : 05.03.2020
Date of pronouncement : 25.06.2020*

(* The order is pronounced lately because of suspension of work of courts due to COVID 19 since 24.03.2020.)

J U D G M E N T

002/20 12/2020
Sudharshan Wadhwa vs. Tripta



Petition U/s 36 Of DRC Act for the transfer of case pending before Sh. Ajay Nagar, Ld. ARC, West, Delhi bearing Eviction Petition No.157/2018 titled as 'Sudharshan Wadhwa Vs. Smt. Tripta Gupta.

1. Brief facts of an application, as per applicant are that she has filed a Petition U/s 14 (1) (e) R/W Sec 25 (D) of the DRC Act which is pending before Sh. Ajay Nagar, Ld. ARC, West, Delhi. That on 18.07.2019, the Petitioner was directed to supply the copy of reply to leave to defend application one week prior to NDOH & she complied with the same. That the Respondent has sought time to file rejoinder and the court has been pleased to adjourn the case for 09.07.2020. That the Petitioner is a senior citizen and has filed petition of bona-fide requirement. That on 18.07.2019, this court has granted 6 months' time on two occasions & her request for short date was not considered by the court by stating that huge pendency was there.

2. The application is opposed by the non-applicant / Respondent by filing reply on the grounds that it is the petitioner's own conduct which suggest to contrary. That the application is devoid of

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merits and has been filed just to harass the respondent and abuse of the process of Court.

Heard. Record Perused.

3. That it is undisputed that an eviction Petition U/s (14) (1) (e) R/w Sec 25 (B) of DPC Act is pending for disposal before the court of Sh. Rajy Nagar, Ld. ARC, West, Delhi. It is not in dispute that the matter is being adjourned for the last 2 dates from a period of 6 months. This is also not denied by the parties that the courts are already giving priority to the oldest cases. At the same time, priority is to be given to the cases, where the party are senior citizens and also to the cases of bona-fide requirement.

4. As per Circular dated 30.05.2020 passed by Ld. District Judge (W), all the ARC's are supposed to take up the matters in which application seeking leave to contest is pending for disposal in the cases of bona-fide requirement. The NDOH before Ld. ARC is 09 07 2020 which is not far away. The Petitioner is also stated to be 72-year-old.

5. In these circumstances, it is not advisable to have the matter transferred from court to court to consume time. So, the

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application is dismissed as no reason is found in the same. However, the petitioner may request the Ld. ARC to hear and dispose off the application to the Court concerned on the coming date. Hence, the application stands disposed off as dismissed.

6. The proceedings has been conducted through UC (cisco-webex) as per circulars.

A scanned copy of the order be sent to the Coordinator, Computer Branch for uploading it at the website and also a copy be sent to the Ld. Court concerned.

File be consigned to record room after due compliance.



PRONOUNCED ON
25th of June 2020.

(RAJINDER KUMAR)
SCJ/RC(WEST)/DELHI