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

% ***Date of Decision: 06th May, 2025***

+ CM(M) 858/2025 & CM APPL. 27529-27530/2025

SOM DUTT SHARMA AND ORSPetitioners

Through: Mr. Vipin Nandwani, Advocate.

versus

MUNNI LAL AND ORSRespondents

Through: Mr. Arvind Kumar Gupta with
Mr. Abhiesamat Gupta and Mr. Arun
Bhattacharya, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners herein are the tenants who are aggrieved by order dated 12.02.2025 whereby it has been observed that since RW-1 – Sh. Som Dutt Sharma has not appeared for his cross-examination and since the matter is at such stage for last five years, his evidence-in-chief would not be read and his right to enter into witness box has also been closed.
2. An application was moved by the tenants for recalling of abovesaid order and such application has also been dismissed *vide* order dated 25.03.2025.
3. Such orders are under challenge.
4. Learned counsel for the respondents/landlords appears on advance notice and submits that the only intent and objective of the tenants is to delay the proceedings, on one pretext or the other. He submits that there is no reason, whatsoever, to interfere with the impugned order as learned Rent



Controller has, categorically, observed that despite the fact that the case remained at the stage of examination of RW-1 for five years, there was no endeavour from the side of the tenants to ensure completion of such examination.

5. It is also informed that the learned Rent Controller has also dismissed their one other request whereby tenants were seeking amendment in the written statement and against such dismissal, the tenants have filed an appeal under Section 38 of Delhi Rent Control Act, 1995 in which the arguments have already been heard and the matter is now reserved for orders.

6. Undoubtedly, the tenants should have extended their best cooperation and assistance to the learned Controller and they cannot be permitted to take the things for granted.

7. However, since the matter is now coming up for further consideration before learned Rent Controller on 20.05.2025, without elaborately discussing the reasons for their alleged non-cooperation, the petition is allowed with direction that on 20.05.2025, the abovesaid witness would appear before the learned Rent Controller and learned Rent Controller, subject to its Board position and convenience, would permit his cross-examination to be conducted same day by learned counsel for the landlords. If for any reason, learned Rent Controller gives another date after ascertaining the availability and convenience of both the sides, said witness would make himself available for deposition. It is, however, made clear that the tenants would be entitled to only one effective opportunity in this regard.

8. For causing delay in the matter, the petitioners/tenants are also burdened with cost of Rs.10,000/- to be deposited with the concerned District Legal Services Authority on or before the abovesaid next date of hearing i.e.



2025:DHC:3401



20.05.2025.

9. The Petition is allowed in aforesaid terms.
10. All the pending applications also stand disposed of accordingly.

(MANOJ JAIN)
JUDGE

MAY 6, 2025
st/pb