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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 17th March, 2025***
+ CM(M) 2563/2024 & CM APPL. 28558/2024
IJAZ MOHD

.....Petitioner

Through: Mr. Biswajit Swain with Mr. Akhil
Ganga, Advocates.

versus

RAJEEV GUPTA (SINCE DECEASED) THROUGH LRS & ORS.

.....Respondent

Through: Mr. V K Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Petitioner herein is defending an eviction petition filed on ground of *bonafide* requirement.
2. The grievance in the present petition is with respect to order dated 12.03.2024 whereby the Court of learned Additional Rent Controller has disallowed the application moved by tenant under Section 151 CPC and, thereby, denied him to further cross examine PW-1.
3. Learned counsel for respondent has put in appearance already.
4. During course of arguments, Mr. Swain, learned counsel for the petitioner, reiterated that petitioner is merely limiting this present petition to permit him to cross examine PW-1 Ms. Sarika Gupta.
5. Learned counsel for respondents/landlord submits that though the petitioner has not disclosed any reason, much less a compelling one, for



seeking any relief but in order to ensure that there is no further delay in eviction proceedings, respondents would have no objection if a last final opportunity is granted to them, subject to imposition of exemplary cost.

6. The next date before the learned Additional Rent Controller is stated to be 28.04.2025 and the eviction petition is, reportedly, fixed for respondent's evidence, that day.

7. Keeping in mind the overall facts, in the interest of justice and also in view of gracious concession given by learned counsel for respondent, present petition disposed of with direction to learned Additional Rent Controller to permit the petitioner herein to cross examine PW-1 Ms. Sarika Gupta on the next fixed dated i.e. 28.04.2025 or on some other convenient day as per its board position.

8. However, it is clarified that the petitioner would be entitled to only one effective opportunity in this regard.

9. Learned counsel for petitioner also submits that he would conclude the cross examination same day.

10. Simultaneously, for causing delay in the matter, the petitioner is burdened with a cost of Rs. 25,000/-, which shall be paid to the respondent herein on 28.04.2025 in the presence of the Court.

11. The present petition along with pending applications stand disposed of in aforesaid terms.

**(MANOJ JAIN)
JUDGE**

MARCH 17, 2025/sw/SS