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

% *Date of Decision: 17th March, 2025*

+ CM(M) 501/2025

BABLI

.....Petitioner

Through: Mr. V.K. Yadav, Advocate.

versus

RAM KUMAR & ANR.

.....Respondents

Through:

+ CM(M) 502/2025

BABLI

.....Petitioner

Through: Mr. V.K. Yadav, Advocate.

versus

RAM KUMAR & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T *(oral)*

CM APPL. 15442/2025 in CM(M) 501/2025

CM APPL. 15447/2025 in CM(M) 502/2025

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

CM(M) 501/2025 & CM APPL. 15441/2025 (Stay)

CM(M) 502/2025 & CM APPL. 15446/2025 (Stay)

3. The petitioners are defending two separate eviction petitions filed by the same landlord.



4. The ground of eviction is *bona fide* requirement as provided under Section 14(1)(e) of the Delhi Rent Control Act, 1958.
5. The petitioner i.e. tenant had moved an application under Section 151 CPC seeking permission to place on record certain original documents and to lead evidence. Such applications have been dismissed in both the abovesaid cases. The dismissal is for the same reasons and on the same grounds.
6. Such order is under challenge herein.
7. Since the facts are same, the only dissimilarity being the tenanted premises being different, both the petitions are taken up together.
8. It is obvious from the various orders placed on record that the tenant had earlier been directed to hand over some original documents so that these could be examined by a hand-writing expert. Despite there being a specific direction in this regard, neither such tenant nor her counsel appeared before the Court to explain as to why there was non-compliance of such order of the Court.
9. It will be worthwhile to mention that the landlord had moved an application under Section 45 of the Indian Evidence Act, 1872 read with Section 151 of the Code of Civil Procedure, 1908 and while dealing with the above said application, the Court had directed the tenant to hand over some original documents so that these documents are, accordingly, sent for examination by a hand-writing expert and, it was also directed that if such documents were not handed over, the defence of the tenant would be struck off.



10. When the learned Rent Controller took up the matter on 26.08.2022, it noticed that there was no compliance of the above said directions dated 04.06.2022 and resultantly, the defence of the tenant was struck off.

11. Such order dated 26.08.2022 has already attained finality in the sense that even though the tenant had moved an application under Section 151 CPC seeking recall of the above said order, such application was not pursued in the desired manner and was dismissed for *non-prosecution* and for *non-appearance*.

12. The matter was taken up for final arguments by the learned Trial Court but, at no point of time, the above said application seeking recalling of order dated 26.08.2022 was sought to be restored.

13. Learned counsel for the tenant has, in all fairness, submitted that no endeavour was made by the tenant to seek restoration of the above said application, which had been *dismissed-in-default and for non-prosecution*.

14. It, thus, becomes very clear that it was on account of non-compliance of order passed by the learned Rent Controller, the defence of the tenant had been struck off. Such order seems to have been accepted by the petitioner.

15. Obviously, the above said application moved by the tenant under Section 151 CPC seems to be a ploy to, somehow, overcome the above said order dated 26.08.2022 as instead of getting the above said order recalled, the tenant is now seeking permission from the Court to place on record documents and to lead evidence in her defence. Whereas her defence is lying struck off.

16. This Court is conscious of the fact that the petition has been filed on the ground of *bona fide* requirement and the approach of the tenant seems to be completely lackluster and negligent. For the reasons best known to the



tenant, the direction of the Court was not complied with and the documents were never placed on record. Her application seeking recall of order dated 26.08.2022 was also *dismissed in default* and such application was never attempted to be restored.

17. The learned Trial Court is already in the middle of hearing final arguments and it is apprised that the matter is fixed tomorrow i.e. 18.03.2025, for hearing further final arguments.

18. In view of the above said peculiar factual matrix and, in particular, the conduct of tenant, which is not aboveboard from any angle whatsoever, this Court does not find any reason, much less a compelling one, to interfere with the above said order dated 13.12.2024 by invoking its supervisory jurisdiction under Article 227 of the Constitution of India.

19. By virtue of this common order, both the petitions are, accordingly, dismissed *in limine*.

(MANOJ JAIN)
JUDGE

MARCH 17, 2025/uk/pb