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

% **Date of Decision: 20th May, 2025**

+ **CM(M) 944/2025 & CM APPL. 30955-30956/2025**

CHAIN SUKH PALPetitioner

Through: Mr. Pradeep Kumar, Advocate with
petitioner in person
(through V.C.)

versus

SHIV CHARAN GOELRespondent

Through: Mr. J.K. Gupta, Advocate
(through V.C.)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a petition which seeks eviction on the ground of *bonafide* requirement.
2. The arguments on *leave to defend* application are yet to be heard.
3. It seems that the petitioner/tenant had moved two applications before the learned Rent Controller on 19.03.2025. Since copies of these applications were not supplied in advance to learned counsel for the landlord, the learned Rent Controller has burdened the tenant with cost of Rs.10,000/-.
4. It is also directed in the impugned order that if the cost of Rs.10,000/- is not paid, the Court would not hear arguments on those two applications moved by the tenant. One such application is under Section 151 CPC and the other has been filed under Section 10 CPC.
5. Sh. S.K. Gupta, learned counsel for the respondent/landlord has joined the proceedings through *video conferencing* on advance notice.
6. Undoubtedly, if the tenant was of the view that there is some



subsequent event or that he has a case whereby eviction proceedings are liable to be stayed, he should have moved the applications well in advance and should have also ensured that advance copies thereof are supplied to the opposite counsel.

7. However, merely because of the aforesaid, the learned Controller should not have burdened the tenant with the cost of Rs.10,000/- with further condition that the applications would not be considered, unless and until the cost was paid.

8. After hearing arguments from both the sides, the present petition is disposed of with direction that the cost of Rs.10,000/-, as imposed by the learned Rent Controller on 19.03.2025, is waived.

9. However, it comes with a rider.

10. On the next date i.e. 28.05.2025, the petitioner herein i.e. tenant, would render due assistance and cooperation to the learned Rent Controller and would advance arguments with respect to the abovesaid two applications. The Landlord would also be at liberty to file reply, if any, to the abovesaid applications.

11. It is entirely upto the learned Rent Controller, if it chooses to hear arguments on application seeking leave to defend same day. Needless to say, the learned counsel for the tenant would come prepared for advancing arguments on application seeking leave to defend, as well.

12. The petition stands disposed of in aforesaid terms.

13. Pending applications, if any, also stand disposed of.

(MANOJ JAIN)
JUDGE

MAY 20, 2025/st/pb