



2025:DHC:6097



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 25th July, 2025*

+ CM(M) 1349/2025 & CM APPL. 44437/2025 & CM APPL. 44438/2025

SHAMA GUPTA AND ANRPetitioner

Through: Mr. Mukesh Nirwan, Advocate.

versus

RAJESH KUMAR SHARMA & ANR.Respondent

Through: None.

+ CM(M) 1354/2025 & CM APPL. 44571/2025 & CM APPL. 44572/2025

SHAMA GUPTA & ANR.Petitioner

Through: Mr. Mukesh Nirwan, Advocate.

versus

RAJESH KUMAR SHARMA & ORS.Respondent

Through: None.

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

1. Both the petitions are connected and, therefore, have been taken up together.
2. The Petitioners are defending Eviction Petitions and are aggrieved by order dated 07.03.2025 and subsequent order dated 30.04.2025, whereby they have been denied opportunity to cross-examine land lord.
3. The order dated 07.03.2025 would reflect that said opportunity was a last one for respondent to cross-examine the petitioners and since there was none present from the side of respondent, such right was closed.
4. An application was moved by the said tenants seeking recall of said witness but such application has also been dismissed by the learned Rent Controller on 30.04.2025.



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5. In such order, the learned Rent Controller recorded that the case was one of the 50 oldest cases pending in his Court and one previous order dated 01.08.2024 would also indicate that there was a request for adjournment from the side of respondent to cross-examine PW-1 and the learned Trial Court, keeping in mind the fact that a personal reason had been cited from the side of counsel for tenant, gave requisite indulgence, *albeit*, with a caveat that if on the next date, the witness was not cross-examined, then the opportunity to cross-examine the said witness would stand closed.

6. If there was any personal exigency, some alternate arrangement should have been made and if that was not possible, at least, the advance information to said effect should have been transmitted to the counsel for the landlord but nothing of that kind was done or attempted.

7. Keeping in mind the fact that the eviction petitions in question are old ones and earlier also various opportunities had been granted to the tenant, this Court, finding no illegality and perversity in the impugned orders, does not find any compelling reason to interfere with the impugned order and resultantly, both the petitions are dismissed.

8. Pending applications stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 25, 2025/sw/SHS