

Delhi High Court

Krishan Lal vs Ajit Pershad Jain And Ors. on 2 November, 1987

Equivalent citations: 35 (1988) DLT 107

Author: S Bhandare

Bench: S Bhandare

JUDGMENT Sunanda Bhandare, J.

(1) ADMIT.

(2) Since a very short point is involved in the petition I have heard the learned counsel for the parties and proceed to decide the petition itself.

(3) This petition under Article 227 of the Constitution of India is directed against the order of the Additional Rent Controller, Delhi dated 6th October 1987. The Additional Rent Controller, Delhi pursuant to the orders of this Court gave one final opportunity to the petitioner herein to adduce his evidence. However, on the date fixed, one witness namely Shri Mam Raj was present, but the lawyer of the petitioner was stated to be out of station and, therefore, a prayer for adjournment was made. The Additional Rent Controller, Delhi did not accede to this request because this Court had specifically directed that one last final opportunity be given to the petitioner to adduce his evidence. In that sense the Additional Rent Controller was helpless because he was bound to follow and obey the order of this Court. Ordinarily, this Court would not have interfered in this petition under Article 227 of the Constitution of India because there is no apparent error in the order of the Additional Rent Controller, however considering that one witness was present on the date fixed for the evidence of the petitioner, I think that interest of justice requires that one more opportunity should be given to the petitioner to examine the witness who was present on that date. This is because on the date fixed the petitioner could not examine this witness because the advocate was absent and the party should not suffer because of the lapse of the advocate (4) I, therefore, direct the Additional Rent Controller, Delhi to permit the petitioner to examine only one witness namely Shri Mam Raj who was stated to be present on the date already fixed. This witness will however be produced by the petitioner himself at his own responsibility without getting any orders regarding summons for that purpose. The case is already listed before the Additional Rent Controller, Delhi on 19th November 1987. This witness will be examined on that date and the arguments in the case will also proceed on that date if the Additional Rent Controller, Delhi finds it so convenient.

(5) In the result, the petition is allowed to the extent indicated herein- above. The petitioner will however pay costs of Rs. 300.00 to the respondent. .