



HARYANA REAL ESTATE REGULATORY AUTHORITY PANCHKULA

Website: www.haryanarera.gov.in

COMPLAINT NO. 954 OF 2023

Asif Anwar Abbasi & Kahkashan Abasi

....COMPLAINANTS

VERSUS

1. M/s Ferrous Infrastructure Pvt. Ltd.

2. M/s Newstone Realdevelopers Pvt Ltd.

....RESPONDENT

**CORAM: Parneet Singh Sachdev
Nadim Akhtar
Dr. Geeta Rathee Singh
Chander Shekhar**

**Chairman
Member
Member
Member**

Date of Hearing: 16.10.2025

Hearing: 8th

**Present: - None for the complainant.
None for the respondent**

ORDER (PARNEET S SACHDEV - CHAIRMAN)

1. Vide last order dated 21.08.2025, Authority directed as follows:

"Further, Authority directs M/s Newstone Realdevelopers Pvt. Ltd. to file a reply before the next date of hearing. Said reply to be filed by 04.10.2025 in the registry along with advance copy to the complainants".

2. Today, none appeared on behalf of either party.
3. At this stage, Authority deems it fit to elucidate the law on adjournments, especially frivolous ones where the only purpose is to somehow delay the proceedings. Such delays adversely affect the dispensation of justice. Order XVII Rule 1 of CPC, specifically governs adjournments. This empowers a court to grant adjournments at any stage of a suit if "sufficient cause" is shown. It mandates that the reasons for adjournment must be recorded in writing and imposes a limit of a maximum of three adjournments for a party during the hearing of the suit to prevent delays. However, the court can still grant further adjournments in extraordinary circumstances, and costs can be imposed for adjournments. In Summary proceedings as under RERD ACT, the adjournment rule is even more stringent.
4. The court may dismiss a case, strike out pleadings or not consider the submissions of a party who is repeatedly and deliberately misusing adjournments and fails to proceed with the case. The Court may also dismiss the suit for non-prosecution. Defence may also be struck off in case of repeated/ frivolous delays by the respondent. Advocates who misuse adjournments render themselves liable for disciplinary action by the Bar Council or relevant legal authority. Such conduct can amount to professional misconduct under Bar Council rules or ethical codes.



5. In the case of *Shiv Cotex v. Tirgun Auto Plast (2011) 9 SCC 678*, the Hon'ble Apex Court has observed as below:-

"No litigant has a right to abuse the procedure provided in CPC. Adjournments have grown like cancer corroding the entire body of justice delivery system." (para 16).

Similarly in para 17 of the order, the Hon'ble Apex court recorded as below

"A party to the suit is not at liberty to proceed with the trial at its leisure and pleasure and has no right to determine when the evidence would be let in by it or the matter should be heard. The parties to a suit — whether the plaintiff or the defendant — must cooperate with the court in ensuring the effective work on the date of hearing for which the matter has been fixed. If they don't, they do so at their own peril."

6. However, in order to provide natural justice, another opportunity is being provided. Any further frivolous adjournment request will attract the defense being struck off. This is in line with the observations of the Hon'ble Supreme court in the case cited supra as below

"Even appellate or revisional courts should not override lower courts' procedural controls out of sympathy for a party's high stakes."

7. Further, It is pertinent to note that The Real Estate (Regulation and Development) Act, 2016, is a beneficial legislation aimed at providing speedy and efficacious redressal to grievances of allottees and other



stakeholders. In furtherance of this objective, the proceedings before the Authority have been structured to be summary in nature. Such expeditious adjudication is achievable only if the parties involved, both the complainant and the respondent, submit their pleadings in a time-bound manner.

8. In view thereof, parties are given last opportunity to comply with previous orders. No further opportunities will be given to either party and the case will be decided on merits based on material on record.
9. Case is adjourned to 19.02.2026.


CHANDER SHEKHAR
[MEMBER]


DR. GEETA RATHEE SINGH
[MEMBER]


NADIM AKHTAR
[MEMBER]


PARNEET S SACHDEV
[CHAIRMAN]