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

+ **FAO(OS) 239/2015 and CM No. 7860/2015, 7861/2015**

SHRI HARMINDER SINGH & ANR Appellants

Through: Mr C.P. Vig
versus

G S BAWA

..... Respondent

Through: Mr Sandeep P. Agarwal and Mr Rajesh Pathak

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **28.09.2015**

We have heard the learned counsel for the parties. The impugned order dated 10.04.2015 is set aside. The reason why we are setting aside the said order is because there is no basis for the order having been passed, particularly, because no application was filed by any of the parties on which the said order was passed. Earlier on 30.10.2014 I.A. Nos. 13774/2014 and 17547/2014 were disposed of by permitting the defendant to lease out the suit property for a period of two years. Without any application filed on behalf of either of the parties, that order has been varied by the learned Single Judge without giving any reasons as to why the variation is being carried out by permitting the defendant to lease out the suit property for a period of six years. It is for this reason that we are setting aside the order dated 10.04.2015 and reinstate the order dated 30.10.2014. We are, however, making it clear that in case either party wants a variation of the order, they may do so by filing an appropriate application in view of circumstances other than those which were before the court when it passed the order on 30.10.2014.

The appeal stands allowed to the aforesaid extent.

BADAR DURREZ AHMED, J

SANJEEV SACHDEVA, J

SEPTEMBER 28, 2015

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