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

+ CS(OS) 1783/2015 and I.A. 12430-33/2015

M/S THE RAMESHWARA JUTE MILLS LTD Plaintiff
Through: Mr. Aseem Chaturvedi, Advocate

versus

UCO BANK Defendant
Through: Mr. Rajesh Rattan, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 06.08.2015

1. The Court is informed that vide order dated 05.06.2015, the suit was directed to be listed today before the Joint Registrar for completion of pleadings and admission and denial of documents.
2. Mr. Rattan, learned counsel for the defendant/bank states that he has filed the written statement on 09.07.2015 with a copy to the other side, wherein a preliminary objection with regard to maintainability of the present suit has been taken. He explains that the suit premises is a public premises and is governed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as "the PP Act") and vide notice dated 25.07.2006, the lease deed of the plaintiff/company had been terminated but as the plaintiff had continued to occupy the suit premises, resultantly,

eviction proceedings had to be initiated against the plaintiff as long back as in the year 2008.

3. The Court is informed that the eviction proceedings initiated against the plaintiff under the PP Act, registered as Eviction Case No.1/2008 is at an advance stage of recording of evidence and the next date of hearing fixed before the Estate Officer is 17.08.2015. Learned counsel for the defendant/Bank states that in view of the bar placed under Section 15 of the PP Act, the present suit is liable to be dismissed.

4. Counsel for the plaintiff states that it was on account of an emergency that the present suit had to be instituted as the defendant/Bank was trying to illegally dispossess the plaintiff from a part of the suit premises situated on the fourth floor measuring 950 sq. feet, described in the plaint as a "party room". He concedes that eviction proceedings have been initiated against the plaintiff and it is participating in the said proceedings. Learned counsel states that the plaintiff may be permitted to withdraw the present suit and seek its remedies against the defendant/Bank as may be available to it in law, but till some interim orders are passed in the said proceedings, the interim order dated 05.06.2015, passed in the suit may be permitted to remain in operation.

5. Having regard to the submissions made by the counsel for the plaintiff, the present suit is disposed of. The plaintiff shall appear before the Estate Officer on 17.08.2015, and on any further dates as may be fixed so that the eviction proceedings under the PP Act can be concluded. However, the interim order dated 05.06.2015, shall continue to operate in favour of the plaintiff for a period of three weeks from today, so that in this duration, it can approach the competent court vested with jurisdiction to seek appropriate interim orders as prayed for in the present suit.

6. If the plaintiff files an interim application before the Estate Officer on or before the date fixed, i.e., 17.08.2015, and for some reason the same cannot be decided before the expiry of three weeks, i.e., on or before 27.08.2015, then the interim order passed in the present proceedings shall continue to operate till a decision is taken on the said application. While deciding the said application the Estate Officer shall be at liberty to arrive at a conclusion on the basis of the arguments addressed by both sides and remain uninfluenced by the order dated 05.6.2015.

7. The suit is disposed of alongwith the pending applications.

HIMA KOHLI, J

AUGUST 06, 2015/rkb/ap