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

+ CONT.CAS(C) 464/2013

AJAY BERI

..... Petitioner

Through: Mr. Ajay Kumar, Advocate

versus

MR AMAR NATH & ORS

..... Respondents

Through: Mr. Parvinder Chauhan, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **03.05.2016**

1. The petitioner filed an appeal under Section 9 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 which was listed before the learned District & Sessions Judge (West) on 12th April, 2013 when the Court adjourned the matter for arguments to 20th April, 2013 and directed the impugned order not to be executed till then.
2. The interim order dated 12th April, 2013 was not extended further on 20th April, 2013 and, therefore, the Delhi Urban Shelter Improvement Board demolished the subject property on 2nd May, 2013.
3. Learned counsel for the petitioner submits that the interim order dated 12th April, 2013 was not extended on 20th April, 2013 because there was no Presiding Officer on 20th April, 2013 and the subsequent date of 4th May, 2013. It is further submitted that the order dated 12th April, 2013 shall be deemed to have been extended till the arguments took place.
4. Learned counsel for the respondents submits that the interim

order dated 12th April, 2013 was only till 20th April, 2013 and therefore, there is no violation of the order dated 12th April, 2013 by carried out the demolition on 2nd May, 2013. The reliance is placed on *Ashok Kumar v. State of Haryana*, (2007) 3 SCC 470.

5. This Court is of the view that there was no interim order on 2nd May, 2013 and, therefore, demolition carried out by Delhi Urban Shelter Improvement Board on 2nd May, 2013 in not in violation of the order dated 12th April, 2013. The contempt petition is therefore, dismissed.

6. The petitioner's appeal is still pending before the Appellate Court. In the event of the petitioner succeeding in the appeal, the petitioner would be at liberty to approach the appellate Court for restitution in accordance with law.

J.R. MIDHA, J

MAY 03, 2016

RS