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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7496/2016**
CHANDRA MOHAN SHARMA

..... Petitioner

Through Mr. Satish Mishra and Mr. Lalit
Pandey, Advocates

versus

MAHANAGAR TELEPHONE NIGAM LIMITED AND ANR

..... Respondents

Through Ms. Sangit Rai, Advocate

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **24.08.2016**

C.M. No.30826/2016 (Exemption)

Exemption allowed subject to all just exceptions.

Application disposed of.

W.P.(C) 7496/2016

Petitioner is aggrieved by the fact that Estate Officer has passed an order dated 11.08.2016 under section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 seeking a direction to the respondent not to evict him from the aforementioned flat i.e. A-3/4, Type IV, M.S.Flats, Peshwa Road, New Delhi.

Counsel for the petitioner submits that he has filed an appeal under section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 before the competent body i.e. District Judge but the appeal was dismissed in default on 29.07.2016. He has filed

an application seeking restoration of the appeal which is now fixed for 03.09.2016 (on his preponement application). His submission is that since technically no appeal is pending before the appellate body, his application for stay of the proceedings cannot be taken up for hearing. His limited prayer is that he be protected till 03.09.2016 i.e. when his application for restoration of the appeal is taken up and his stay application are taken up for hearing.

Status quo be maintained till 03.09.2016 and it is expected that stay application of the petitioner will be disposed of on that date and in case of any unforeseen eventuality the stay application is not disposed of on that date by learned the District Judge, the status quo shall stands extended till the disposal of the said application. Needless to state that a short date will be given in view of the opposition urged by the respondent.

No further orders are called for in this petition.

Petition disposed of.

Order dasti under signatures of Court Master.

INDERMEET KAUR, J

AUGUST 24, 2016

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