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

+ **W.P.(C) 3510/2017 and CM APPL. 15314-15315/2017**

SUSHIL KUMAR JOLLY

..... Petitioner

Through: Mr. Nikhil Malhotra, Advocate with
Mr. Vinod Malhotra, Advocate

versus

**CHOLA MANDLAM INVESTMENT AND FINANCE COMPANY
LTD AND ORS**

..... Respondents

Through: Ms. Shweta Kapoor, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
25.04.2017

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1. The petitioner is aggrieved by the order dated 18.04.2017 passed by the learned DRAT in Misc. Appeal No.125/2017, whereunder he has challenged the order dated 31.03.2017, passed by the DRT-I, Delhi, dismissing his application praying inter alia for restraining the respondent No.1 from dispossessing him from the first floor of premises No.F-1082, Chitranjan Park, New Delhi.
2. Vide order dated 14.03.2017 passed by the DRAT, it was directed that the petitioner would not be dispossessed from the subject premises, subject to his making a deposit of Rs.3 crores. Aggrieved by the said order, the petitioner had filed a writ petition in this Court, registered as W.P.(C) 2872/2017, which was disposed of by the Division Bench, vide order dated

31.03.2017, directing the learned DRAT to hear and decide the appeal without calling upon the petitioner to make a pre-deposit. It was further directed that status quo shall be maintained with regard to the first floor of the subject premises for a period of four weeks from the date of passing of the said order and it would be open to the DRAT to extend the order of status quo, if deemed appropriate.

3. Counsel for the petitioner states that when the appeal was listed before the learned DRAT on 18.04.2017, the petitioner was directed to effect service on the respondents No.2 to 5, who are his family members, returnable on 11.05.2017. Pertinently, on the said date, none was present on behalf of the respondent No.1. Counsel for the petitioner states that despite a request made before the learned DRAT to continue the status quo order, no specific order has been passed in that regard and therefore, the petitioner is apprehensive that the respondents may take coercive steps by dispossessing him from the subject premises.

4. Though an advance copy of the paper book has not been served by the petitioner on the contesting respondent No.1, learned counsel states that she is appearing on seeing the case listed in the cause list. A complete set of the paper book has been furnished to the counsel for the respondent No.1, who states that the apprehension expressed on behalf of the petitioner is misplaced.

5. Having regard to the fact that the appeal filed by the petitioner is listed before the DRAT on 11.05.2017, it is deemed appropriate to continue the status quo order dated 31.03.2017 passed in W.P.(C) 2872/2017, till the interim application for stay filed by the petitioner before the DRAT is heard and decided on merits.

6. The learned DRAT is requested not to accommodate either side for any unnecessary adjournment.

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

DASTI.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

APRIL 25, 2017

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