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

+ TR.P.(C.) 100/2017 & CM No.23342/2017

OM PARKASH MONGIA

(SINCE DECEASED) THR HIS HEIRS Petitioner

Through: Mr. J.S. Bhola and Mr. S.K. Das,
Advs. along with petitioner

versus

SAT GOPAL KAPOOR

..... Respondent

Through: Ms. Anubha Agarwal and Mr. Ambuj
Agarwal, Advs. along with
respondents

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **21.09.2017**

1. After some hearing, learned counsel for the petitioner, on instructions from the petitioner present in Court, gives up the prayer for transfer of the matter from the Presiding Officer of the learned Rent Control Tribunal.
2. Learned counsel for the appellant submits that the learned Rent Control Tribunal has, vide order dated 6th September, 2017, vacated the interim order dated 31st October, 2013 and the respondent has filed the execution which is listed before Execution Court tomorrow. The appellant seeks the stay of the execution with one opportunity for addressing final oral arguments. The appellant present in Court undertakes not to seek any adjournment in the matter. Learned counsel for the appellant submits that he would restrict the oral final arguments to maximum one hour. The undertaking of the appellant is accepted.
3. Learned counsel for the respondent agrees not to seek any adjournment for addressing the oral final arguments and he also agrees to

restrict the oral final arguments to maximum one hour.

4. Learned counsels for both the parties have checked their respective dairies and they submit that 25th October, 2017 is convenient to both of them for addressing oral final arguments before the Rent Control Tribunal.

5. Learned Rent Control Tribunal is directed to prepone the date of hearing from 6th December, 2017 to 25th October, 2017 for final oral arguments of both the parties. Learned Rent Control Tribunal shall not grant any adjournment on the said date. However, if the oral final arguments do not conclude on 25th October, 2017 or the matter is not taken for any reason on 25th October, 2017, the learned Rent Control Tribunal shall fix early date/s in the matter.

6. Leaned counsel for the respondent, on instructions from the respondent present in Court, agrees not to press the execution petition till the outcome of the appeal subject to the petitioner not seeking any adjournment before the Learned Rent Control Tribunal.

7. Since the petitioner has given up the prayer of the transfer, the petitioner shall not raise this objection at the time of final oral arguments and restrict his arguments to merits of the case.

8. Learned counsel for the respondent submits that he has already filed the brief note of submissions. The petitioner shall file the brief note of submissions three days before 25th October, 2017.

9. The petition and pending application are disposed of in the above terms.

10. The record of the Rent Control Tribunal be sent back along with the copy of this order.

11. Learned counsel for the parties submit that the matter be kept for reporting compliance.

12. List for reporting compliance on 21st November, 2017.

13. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

SEPTEMBER 21, 2017
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