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

+ CM(M) 1199/2016

SATISH KUMAR	 Petitioner
Through	Mr.Saurabh Jain, Advocate
versus	
ATTAR SINGH AND ORS	 Respondent
Through	Mr.Alok Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.02.2017**

1. Learned counsel appearing for the respondent has pointed out that before filing of the present petition the respondent had already filed an appeal against the impugned order before the Tribunal on 19.11.2016. This appeal is coming up for hearing on 14.3.2017. He also points out that this court on 23.11.2016 dismissed the stay application CM No.43578/2016. He submits that despite this dismissal of the stay application on the next date on 1.12.2016 this court has erroneously granted stay order to the petitioner in the same application i.e. CM No.43578/2016.
2. Learned counsel appearing for the respondent is right that CM No.43178 was dismissed and interim order could not be passed in the said stay application. This appears to have been done by mistake. The interim order dated 01.12.2016 is recalled.
3. In view of the fact that the matter is pending before the Rent Control Tribunal, I dispose of this petition relegating the parties before the appellate court, without prejudice to the rights and contentions of the parties. The

appellate court may deal with the appeal uninfluenced by any observations made by this court.

4. Learned counsel for the respondent submits that he will not execute the Eviction order till the next date of hearing before the Tribunal.

5. Petition stands disposed of. All pending applications, if any, also stand disposed of.

6. LCR be sent back.

JAYANT NATH, J

FEBRUARY 13, 2017

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