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

+ W.P.(C) 8029/2017 and CM Nos. 33092/2017 and 33093/2017

SUSHIL KUMAR JOLLY

..... Petitioner

Through: Mr Nikhil Malhotra and Mr Vinod Malhotra,
Advs. along with petitioner in person.

versus

CHOLA MANDLAM INVESTMENT AND FINANCE COMPANY LTD.
AND ORS. Respondents

Through: Mr Pallav Saxena and Ms Shweta Kapoor,
Advs for respondent No.1
Mr Ashish Aggarwal, Adv for respondent Nos. 2,3,4
and 6 along with respondents 2,3 and 4 in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **11.09.2017**

1. The petitioner is aggrieved by an order dated 17.08.2017, passed by the learned DRAT in Miscellaneous Appeal No.125/2017 filed by him against an order dated 03.03.2017, passed by the DRT-I in SA No.311/2016 granting him a period of 30 days to vacate the first floor of property bearing No.F-1082, Chitranjan Park, New Delhi and handover the vacant peaceful possession thereof to the respondent No.1, by 01.04.2017. By the impugned order, the learned DRAT has granted time to the petitioner and his brother/respondent No.2 to deposit 50% each of the dues of the respondent No.1 which are to the tune of Rs.7.5 crore, within 10 days.

2. Learned counsel for the petitioner submits that earlier hereto, two

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writ petitions were filed by the petitioner in this Court; the first one being W.P.(C) No.2872/2017, whereunder an order dated 14.03.2017 passed by the DRAT directing that the petitioner shall not be dispossessed from the subject premises on his depositing Rs.3 crores with the Registrar of the Tribunal, was assailed. Vide order dated 31.03.2017, the Division Bench had directed that the petitioner's appeal be heard and decided by the DRAT without calling upon him to make the pre-deposit. Further, a *status quo* with regard to the first floor of the subject premises was directed to be maintained for a period of four weeks.

3. The second writ petition was filed by the petitioner in April, 2017 registered as W.P.(C) No.3510/2017, wherein he had raised a grievance against a subsequent order dated 18.04.2017 passed by the learned DRAT, wherein the stay order granted in his favour was not continued. Vide order dated 25.04.2017, the said petition was disposed of by continuing the *status quo* order dated 31.03.2017 passed in the earlier writ petition, till the interim application for stay filed by the petitioner in the pending appeal before the DRAT, is heard and decided.

4. We are informed by learned counsel for the parties that the main appeal has been argued at some length and the next date fixed before the DRAT is tomorrow, i.e., 12.09.2017. Both the parties agree that they shall conclude their arguments before the DRAT on the said date so that the appeal can be decided on merits, instead of focussing on the interim application.

5. In view of the joint submission made hereinabove, the present petition is disposed of with a request made to the learned DRAT to conclude hearing arguments in Miscellaneous Appeal No.125/2017 and pronounce judgment on merits in accordance with law. It is made clear that

neither of the parties shall be accommodated for any adjournment before the DRAT. Till judgment is pronounced, the interim order granted in favour of the petitioner, shall continue to operate.

6. The petition is disposed of along with the pending applications.

HIMA KOHLI, J

DEEPA SHARMA, J

SEPTEMBER 11, 2017

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