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

+ **CM(M) 1124/2017**

SURENDER BHATIA Petitioner

Through: Mr. P.K. Rawal, Adv.

Versus

SHIVANU MEHTA & ORS Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **13.10.2017**

CM No.36686/2017 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

CM(M) 1124/2017 & CM No.36687/2017 (for stay)

3. The petitioner, in this petition under Article 227 of the Constitution of India arising out of objections under Section 25 of the Delhi Rent Control Act, 1958 filed by the petitioner in execution filed by respondent no.1 of an order of eviction under Section 14(1)(e) of the Delhi Rent Control Act, 1958 against respondent no.2 and pending as Ex.No.264/2017 of the Court of Additional Rent Controller (ARC), District West, Tis Hazari Courts, Delhi, seeks to be put back in possession of the property.
4. I have at the outset enquired from the counsel for the petitioner as to how the petitioner, during the pendency of his objections under Section 25 of the Rent Act and till the said objections are allowed, be put back into possession of the property.

5. The counsel for the petitioner states that the respondent no.1 has offered to put the petitioner back in possession of the property.
 6. If that is so, then, it is not understandable why instead of the petitioner taking over possession, this petition has been filed.
 7. The counsel for the petitioner then states that the need for this petition has been felt owing to the order of *status quo*.
 8. It is contended that the said order of status quo was passed by this Court on 14th July, 2017 in CM No.706/2017 earlier preferred by the petitioner.
 9. The said order of *status quo* was passed on the contention of the counsel for the petitioner that the respondent no.1, after taking possession of the premises, was about to demolish the property. Moreover, the order dated 14th July, 2017 of this Court is not of *status quo* and only restrains demolition of the property.
 10. The counsel for the petitioner then states that the order of *status quo* was passed by the ARC on 8th August, 2017.
 11. The remedy of the petitioner is to approach the ARC (West), Tis Hazari Courts, Delhi in this respect and not by way of this petition.
 12. At this stage, the counsel for the petitioner withdraws this petition.
 13. Dismissed as withdrawn with liberty to apply to the trial Court.
- No costs.

RAJIV SAHAI ENDLAW, J

OCTOBER 13, 2017

‘gsr’..

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