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

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Date of Decision: 31st May, 2018

+ W.P.(C) 6241/2018

MISHRI DEVI AND ANR.

..... Petitioners

Through: Mr.J.P. Sengh, Senior Advocate with
Mr.Shyam S. Sharma, Ms.Aastha
Jain, Mr.Nirbhay Sharma, Mr.Pranav
Rishi, Advocates

versus

NEW DELHI MUNICIPAL COUNCIL AND ANR..... Respondents

Through: Mr. R.N. Vats, Standing Counsel with
Mr.Arjun Malik, ASC for NDMC.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

CM No.24094/2018 (exemption)

Allowed, subject to just exceptions.

W.P.(C) 6241/2018 and CM No.24093/2018

1. Issue notice. Learned counsel for the respondent accepts notice.
2. Mr. J.P. Sengh, learned senior counsel for the petitioners submits that the petitioners have filed an appeal against the eviction order passed by the Estate Officer which is listed for hearing before the District Judge on 10th September, 2018. It is further submitted that the respondents forcibly took the possession of the subject premises, namely, shop bearing No.44, Gole Market, New Delhi from the petitioner on 27th November, 2017. The

petitioner seeks an injunction against the respondent from creating any third party interest/transferring/licensing the said shop during the pendency of the appeal which has been declined by the learned District Judge on the ground that the petitioner has already handed over the vacant and peaceful possession. It is submitted that the petitioners have not voluntarily handed over the possession but the same was forcibly taken by the respondent after breaking open the locks.

3. Learned senior counsel for the petitioners further submits that the petitioners' appeal is listed before the District Judge on 10th September, 2018 and petitioners would not seek any adjournment in the matter on the said date. This Court is of the view that the respondent should maintain status quo with respect to the title and possession of the subject shop bearing No.44, Gole Market, New Delhi till 10th September, 2018.

4. Learned District Judge shall endeavour to hear the matter on 10th September, 2018. However, if any adjournment is sought by the petitioner herein on 10th September, 2018, the interim injunction granted by this Court today shall not continue, but if the respondent herein seeks an adjournment, the interim injunction would continue. The learned District Judge shall endeavour to expedite the hearing and disposal of the appeal.

5. This petition is disposed of in the above terms. The pending application is disposed of.

6. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court Master.

MAY 31, 2018
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J.R.MIDHA, J.