

\$~188, 189 & 191

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

+ **CM(M) 204/2020, CM APPLs. 6787/2020 & 6791/2020**

NOORUL HAQ (SINCE DECEASED THR LR) Petitioner

Through: Mr. Rahul Choudhary and Mr. Avesh
Chaudhary, Advocates.
(M:9958539373)

versus

NAND LAL & ORS Respondents

Through: Mr. Sikandar, Advocate for R-1. (M:
9871626199)
Mr. Rehan Alam, Advocate for R-3.
(M:88002925974)

WITH

+ **CM(M) 205/2020, CM APPLs. 6803/2020 & 6804/2020**

VASUDEV NARULA Petitioner

Through: Mr. Rahul Choudhary and Mr. Avesh
Chaudhary, Advocates.

versus

NAND LAL & ORS Respondents

Through: Mr. Sikandar, Advocate for R-1. (M:
9871626199)
Mr. Rehan Alam, Advocate for R-3.

WITH

+ **CM(M) 207/2020, CM APPLs. 6813/2020 & 6814/2020**

VIJENDER SINGHAL Petitioner

Through: Mr. Rahul Choudhary and Mr. Avesh
Chaudhary, Advocates.

versus

Signature Not Verified

Digitally Signed

By:AMULYA CM(M) 204/2020, CM(M) 205/2020 & CM(M) 207/202

NAND LAL & ORS

..... Respondents

Through: Mr. Sikandar, Advocate for R-1. (M: 9871626199)

Mr. Rehan Alam, Advocate for R-3.
(M:88002925974)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

19.02.2020

1. The Petitioners have filed the present petitions challenging the impugned order dated 4th September, 2019, wherein, while adjourning the matter, the Id. Rent Control Tribunal (*hereinafter*, "RCT") has clarified that there is no stay of execution.
2. The grievance in these petitions is that an interim order had been granted by the RCT on 9th August, 2019 and the same could not have been vacated without any reason whatsoever. The Sr. counsel who had to reach the Court was on his way from the Airport and hence, by the time he could reach, the matter got over and the stay granted on 9th August, 2019 had been vacated.
3. In connected matters viz., CM (M) Nos. 1383/2019, 1384/2019, 1385/2019 & 1386/2019 arising from the same impugned order, notice was issued on 18th September 2019. Thereafter, on 19th September 2019, the execution proceedings were stayed. Finally, vide order dated 3rd February 2020, the said petitions have been disposed of in the following terms:

"5. Today, Id. counsel appearing for Respondent No. 1 submits that none of the other objectors has filed any petition before this Court to challenge the order dated 4th September, 2019. Thus, the interim order granted by this court ought to operate only qua the Petitioners in the above four petitions.

6. Thus, the present petitions are disposed of with the clarification that there shall be a stay of execution only qua the above Petitioners till the disposal of the appeals

in RCT Nos. 95/2019, 80/2019, 81/2019 and 78/2019. It is made clear that there is no stay of execution in respect of any of the other parties. The RCT shall now adjudicate the appeals on merits and pass appropriate orders in accordance with law."

4. The present petitioners are similarly placed to the petitioners in CM (M) Nos. 1383/2019, 1384/2019, 1385/2019 & 1386/2019. Thus, the present petitions are also disposed of with the clarification that there shall be a stay of execution *qua* the present Petitioners till the disposal of the appeals in RCT Nos. 95/2019, 80/2019, 81/2019 and 78/2019. It is made clear that the stay of execution is applicable only in respect of the Petitioners who have approached this Court. The RCT shall now adjudicate the appeals on merits and pass appropriate orders in accordance with law.

5. Ld. counsel for the Respondent No.3 submits that in view of the judgment of the Supreme Court in ***Atma Ram Properties vs. M/s Federal Motors Civil Appeal 7988/2004 (Decided on 10th December, 2004)***, use and occupation charges ought to be fixed in this matter. Let the said request be made before the Tribunal.

6. The petitions and all pending applications are disposed of in the above terms. *Dasti.*


PRATHIBA M. SINGH, J.

FEBRUARY 19, 2020

dj