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

+ **FAO(OS) 48/2020, CM Nos.21682/2020 (stay) and
21683/2020 (exemption)**

KAUSHALYA SHARMA Appellant
Through: **Mr.Rajeshwar K.Gupta, Advocate.**

versus

KIRAN DEVI & ORS. Respondents
Through: **None.**

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **07.09.2020**

HEARD THROUGH VIDEO CONFERENCING.

1. The present appeal has been filed under Section 10 of the Delhi High Court Act, 1966. Mr. Rajeshwar K. Gupta, learned counsel for the appellant requests that this appeal may be treated as one filed under Order 43 Rule 1(r) of the CPC as it is directed against an order dated 04.08.2020, passed by the learned Single Judge dismissing an application filed by the appellant/plaintiff in CS(OS) 668/2018, under Order XXXIX Rules 1 and 2 of the CPC.

2. We may note that in the impugned order, the learned Single Judge has taken note of the statement made on behalf of the respondents No.1, 2, 7, 8 and 9 as was recorded on 21.01.2019 to the effect that they shall proceed in accordance with law and shall not take any forcible possession of the subject

premises from the appellant, without following the due process of law. Upon taking note of the aforesaid statement of the defendants recorded on 21.01.2019, the learned Single Judge has observed that no further order is required to be passed on the stay application (IA No. 6528/2020), which has been dismissed.

3. After addressing arguments for a short time, Mr.Rajeshwar K.Gupta, learned counsel for the appellant/plaintiff states that instead of pressing the present appeal, he may be permitted to withdraw the same, while reserving the right of the appellant to seek appropriate legal recourse against such of the defendants who are violating the order dated 21.01.2019, by seeking to evict the appellant forcibly.

4. Leave as prayed for, is granted. The present appeal is disposed of as not pressed, along with the pending applications.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

SEPTEMBER 07, 2020

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