

\$~7.

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

% *Decided on: 16th December, 2020*

+ LPA 387/2020

SH. DR. MOHAN REDDY R & ANR. Appellants
Through: Mr.Kanhaiya Singhal, Adv. with
Mr.Prasanna Agrawal, Adv.
Versus

JALADI PRASUNA & ORS. Respondents
Through: Mr.Ramesh Singh, Standing Counsel
with Mr.Tanmay Yadav, Adv. for R-7.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

C.M.No.33159/2020 (exemptions)

Allowed, subject to all just exceptions.

The application is disposed of.

C.M.No.33160/2020 (delay of 13 days in filing LPA)

For the reasons stated in the application, the delay in filing the appeal is condoned.

The application is disposed of.

LPA387/2020 & C.M. 33161/2020(stay)

1. This appeal has been preferred by Respondents No.3 and 4 in W.P.(C)No.3706/2020 aggrieved by an order dated 23rd October, 2020 (Annexure P-1 to the memo of the LPA) passed in the said writ petition.
2. Having heard the learned counsel for the appellants and looking to the facts and circumstances of the case, it appears that this appeal has been filed against the order dated 23rd October, 2020, which is an interim order, and the writ petition being W.P.(C) No.3706/2020 is still pending adjudication before the learned Single Judge. The next date of hearing fixed before the learned Single Judge is 6th January, 2021.
3. The said writ petition has been preferred by the petitioner against implementation and operation of the order dated 20th August, 2020 passed by the Adjudicating Authority under the Prohibition of Benami Property Transactions Act, 1988 (as amended by the Amendment Act, 2016). The said order has been stayed by the learned Single Judge till the next date of hearing, that is, 6th January, 2021.
4. Much has been argued by the learned counsel for the appellant about the contentions which are raised in the writ petition, including to the effect that the impugned order dated 20th August, 2020 is an appealable order under Section 46 of the said Act. This contention can always be raised before the learned Single Judge in the pending writ petition.
5. In view of the aforesaid facts and also looking to the fact that this appeal is against an interim order and the writ petition is pending adjudication before the learned Single Judge and coming up for further hearing on 6th January, 2021, we see no reason to entertain this LPA at this

stage. We expect that the parties shall not seek any unnecessary adjournments before the learned Single Judge.

6. The appeal is, accordingly, disposed of along with the pending application.

CHIEF JUSTICE

PRATEEK JALAN, J

DECEMBER 16, 2020

'anb'

