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

+ **CM(M) 63/2020**

M/S PERFORMANCE MOTORS PVT. LTD. Petitioner

Through: Mr. Vivek Gupta, Adv.

versus

M/S INDIA TOURISM DEVELOPMENT CORPORATION LTD

..... Respondent

Through: Mr. Anish Chawla, Adv.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

25.02.2022

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After the judgment had been pronounced and the order uploaded, it came to the notice of the Court that certain inadvertent grammatical mistakes and omissions appeared to have remained. In view of the aforesaid it is provided that in paragraph 4 the word “came” shall be inserted in the last line after “evidently”. The word “the” shall also stand inserted in the 10th line of paragraph 24 after the words “fell to” and after the word “time” in place of the word “of” in the 14th line as appearing in that paragraph.

Paragraphs 4 and 24 of the judgment dated 17 February 2022 shall read as under:-

“4. The said order of the Estate Officer came to be assailed by the present petitioner by way of an appeal. The Appellate Authority by its judgment of 15 September 2014 set aside the order of 17 October 2013 and remanded the matter back for the consideration of the Estate Officer. From the record it transpires that during the pendency of the appeal, the respondent instituted a petition under Section 7 of the Act on 20 August 2014. This petition, as would be evident from the aforesaid recordal of facts, came to be preferred just before the Appellate Authority had come to allow the appeal on 15 September 2014 instituted at the behest of the petitioner. The petition claiming damages thus evidently came to be instituted at a time

when the original order of eviction made on 17 October 2013 was existing and in force.

24. As was noted hereinabove, the petitioner no longer remained in the occupation of the public premises by the time the original petition came to be dismissed as withdrawn on 06 July 2015. That order records that possession fell to the respondents in June 2015. However, merely because the petitioner had ceased to be in unauthorised occupation of the public premises by the time the issue of damages was taken up for consideration, that cannot possibly be construed as absolving it from facing the liability of damages.”

The present corrigendum order shall be liable to be read along with the main judgment which was pronounced on that date. The office shall ensure that a copy of this order is supplied along with the main judgment to parties.

YASHWANT VARMA, J.

FEBRUARY 25, 2022
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