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

+ **RC.REV. 74/2024 & CM APPL. 15256/2024**

SH. RAM NATH (NOW DECEASED)

THROUGH LRS AND ORS

.....Petitioners

Through: Mr. Om Prakash, Mr. Durgesh Gupta
and Mr. Purshotam, Advocates with
petitioners in person

versus

SH. SHIV RAJ

.....Respondent

Through: Mr. S.D. Dixit, Advocate with
respondent in person

CORAM:

HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN

ORDER

19.09.2024

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1. Mr. Om Prakash, Advocate for the petitioners stated that the possession of the tenanted premises has already been taken over by the respondent in execution of warrant of possession on 04.07.2024 but the possession of the tenanted premises can be restored back to the petitioner in view of section 144 CPC.

2. Mr. S.D. Dixit, Advocate for the respondent stated that the possession of the tenanted premises has already been restored back to the respondent and as such, the present petition has become infructuous.

3. In view of the law and observations laid down in judgment dated 26.07.2024 passed in RC.REV. 284/2023 titled as **Om Prakash Ashok Kumar & Sons V Shri Ajay Khurana**, the present petition has become infructuous as the possession of the tenanted premises has already been



taken over by the respondent/landlord in execution of warrant of possession in accordance with law.

4. Accordingly, the present petition along with pending application, stands dismissed being infructuous. However, the petitioners shall be at liberty to initiate appropriate legal proceedings in accordance with law.

DR. SUDHIR KUMAR JAIN, J

SEPTEMBER 19, 2024

N/AK