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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2223/2024**
M/S ESS AAR MOTIRS & ANR. Petitioners
Through: Mr. A. Maitri, Advocate.

versus

ALANKIT ASSIGNMENTS LTD. Respondent
Through: Mr. Vaibhav Sethi, Ms. Priya
Pathania and Ms. Soma Bedi,
Advocates.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
% 27.03.2024
CM APPL. 18483/2024

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2223/2024 & CM APPL. 18482/2024 (Stay)

3. The present petition under Article 227 of the Constitution of India has been filed impugning the order dated 14.03.2024 passed by learned ACJ-cum-ARC, Central, Tis Hazari Courts, Delhi (in short "Executing Court") in Execution Petition No. 740/2023 titled as "*M/s Alankit Assignments Ltd. vs. M/s ESS AAR Motors & Anr.*" wherein the objections filed by the petitioners herein were dismissed and warrants of possession in respect of property bearing Ground Floor of premises bearing no. 1 E/13, Jhandewalan Extension, New Delhi have been issued.
4. Learned counsel for the petitioners submits that the petitioners are ready and willing to pay entire user and occupation charges to the



respondent herein as per order dated 23.02.2023. Therefore, the impugned order be stayed till the next date of hearing.

4. Learned counsel for the respondent has raised strong objection to the submissions and contended that the present petition under Article 227 of the Constitution of India is not maintainable and if grant of stay is to be considered, the petitioner will have to move before the learned Revisional Court where the petition (R.C. Rev. No. 51/2018 titled ESS AAR Motors Vs. Alankit Assignments Ltd.) is pending.

5. Learned counsel for the petitioners therefore submits that in such circumstances, he may be granted liberty to withdraw the present petition with liberty to move to the learned Revisional Court and in the meanwhile, he may be granted a week's protection to which the learned counsel for the respondent submits and undertakes that till 02.04.2024, he will not press for appointment of Bailiff before the learned Executing Court and the matter is listed before learned Executing Court for 01.04.2024.

6. In view of the submissions, learned counsel seeks permission to withdraw the present petition with liberty to move to the learned Revisional Court.

7. Permission to withdraw and liberty to seek appropriate remedy as per law, as prayed for, is granted.

8. The petition along with pending application is disposed of.

SHALINDER KAUR, J

MARCH 27, 2024/A