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

+ **RC.REV. 88/2024 & CM APPL. 18713/2024**

SH. DINESH CHAUDHARYPetitioner

Through: Mr. Chandan, Adv.

versus

SH. NANKHOO YADAVRespondent

Through: Mr. Abhishek Sharma, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

13.11.2024

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1. Learned Counsel for the Petitioner submits that the possession of the subject premises has been taken over by the Respondent/landlord through execution proceedings filed by the Respondent/landlord. In this view of the matter that nothing further survives in the present Petition and the Petition has become infructuous. However, he submits that there is some amount of security which remains available with the Respondent/landlord.

2. In this regard, reliance is placed upon the judgment passed by this Court, in *Ashok Gupta & Anr v. Deepak Rao; 2024 SCC OnLine Del 7148*. This Court is supported in its view by judgments passed by Coordinate Benches of this Court including *Om Prakash Ashok Kumar & Sons v. Ajay Khurana, 2024 SCC OnLine Del 5228*, *Neelam Sharma v. Ekant Rekhan reported as 2019 SCC Online Del 6487*, and *Bhawani Shankar v Nand Lal and Ors. reported as 2021 SCC OnLine Del 4284*.



3. In addition, it is contended that the Petitioner/tenant is adequately protected in terms of Section 19(1) of the Delhi Rent Control Act, 1958.
4. Learned Counsel for the Petitioner seeks to withdraw the present Petition and all pending Applications.
5. Liberty is granted to the Petitioner to take appropriate steps for recovery of the aforesaid security amount, in accordance with law.
6. The Petition and all pending Applications are dismissed as withdrawn with liberty as prayed for.

TARA VITASTA GANJU, J

NOVEMBER 13, 2024/SA

Click here to check corrigendum, if any