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

+ **CONT.CAS(C) 613/2021**

**M/S SITAC ESTATES PVT LTD THROUGH ITS AUTHORISED
REPRESENTATIVE VIKRAM SINGH RANA** Petitioner
Through: Ms. Manjula Gandhi, Mr. Srikanth
Varma, Advocates
(M:9550777508,email:srikanth.varma
@lexindis.com)

versus

DALBIR SINGH Respondent
Through: None.

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER
23.02.2024

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1. The present petition has been filed against the respondent seeking an *ex-parte* stay of order dated 13th April, 2021 passed by the learned Additional District Judge-01 (South) Saket Court in *Miscellaneous Civil Appeal bearing No. 06/2021*.
2. Learned counsel appearing for the petitioner submits that the respondent misrepresented before the Appellate Court that the eviction order had not been stayed by any court. She submits that the Supreme Court in the earlier proceedings, vide order dated 15th December, 2003 in *SLP (C) 10483/2003*, had categorically directed that there shall be stay of dispossession. She further relies upon the order dated 17th November, 2008 passed by the Supreme Court, wherein it had been directed that pending disposal of the said appeal, interim order passed by the Court shall continue to operate.



3. She further submits that finally the aforesaid Special Leave Petition (“SLP”) was dismissed by the Supreme Court and stay order granted earlier by the Supreme Court, was also vacated vide order dated 11th July, 2017. Therefore, the judgment and decree dated 30th October, 2003, passed earlier by the Division Bench, had attained finality.

4. She submits that petitioner is one of the Decree Holders with respect to the aforesaid judgment and decree dated 30th October, 2003. Thus, she submits that by way of the interim order dated 13th April, 2021, the respondent had obtained *ex-parte* stay on the execution of the judgment and decree dated 30th October, 2003 passed by the Division Bench. She submits that the said *ex-parte* order dated 13th April, 2021 had been obtained by the respondent fraudulently by making false statements.

5. This Court has perused the record.

6. The *ex-parte* order dated 13th April, 2021 was obtained by respondent in case being *Miscellaneous Civil Appeal (“MCA”) bearing No. 06/2021*. However, subsequently the aforesaid appeal came to be dismissed. Thereafter, the respondent had filed another Civil Miscellaneous (Main) Petition (“CM (M)”), which also came to be dismissed by order dated 17th October, 2021. Moreover, petition before the Supreme Court against the aforesaid order also came to be dismissed by order dated 04th February, 2022. Thus, it transpires that no proceedings are pending against the petitioner and all the litigation initiated by the respondent, already stands rejected against the responding and in favour of the petitioner.

7. Learned counsel for petitioner also confirms the fact that the petitioner has already received the possession of the premises in question. Therefore, in that view of the matter, the present petition has become



infructuous.

8. Therefore, no orders can be passed in the present proceedings.
Accordingly, the present petition is disposed of.

MINI PUSHKARNA, J

FEBRUARY 23, 2024

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