



\$~4 & 5

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

+ W.P.(C) 8675/2024 & CM APPL. 35462/2024, CM APPL.
35463/2024

MANISH SHARMA Petitioner

Through: Mr. Sidharth Chopra, Advocate

versus

M/S EDELWEISS ASSET RECONSTRUCTION CO. LTD & ORS.

..... Respondents

Through: Mr. Aditya Prasad, Advocate for R-1
& 2

W.P.(C) 8676/2024 & CM APPL. 35464/2024, CM APPL.
35465/2024

PRAVEEN SHARMA Petitioner

Through: Mr. Sidharth Chopra, Advocate

versus

M/S EDELWEISS ASSET RECONSTRUCTION CO. LTD & ORS.

..... Respondents

Through: Mr. Aditya Prasad, Advocate for R-1
& 2

CORAM:
HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN
HON'BLE MR. JUSTICE RAVINDER DUDEJA

%

ORDER
21.06.2024



W.P.(C) 8675/2024 & W.P.(C) 8676/2024

1. The present petition is filed under Article 226 and 227 of the Constitution of India seeking setting aside of the order dated 06.05.2024 passed by the learned Debts Recovery Tribunal (DRT-I), Delhi in the matter titled as Manish Sharma vs Edelweiss Asset Reconstruction Co. Ltd. bearing S.A. No. 206/2024.
2. The petitioner is claiming to be the tenant of Smt. Sumitra Devi in respect of a shop bearing no. 3 forming part of the property bearing no. H-34 B, Laxmi Nagar, Delhi since 1985 at the monthly rent of Rs. 200 per month.
3. The respondent no.4, who is claiming to be the current owner of the suit property filed eviction petition under Section 14(1)(e) of Delhi Rent Control Act on the ground of *bonafide* requirement as well as non-payment of rent.
4. The petitioner was never informed by Smt. Sumitra Devi about any ownership alleged to have been conferred on Mr. Neeraj Gupta.
5. Respondent no.4 is trying to dispossess the petitioner from the tenanted shop without following due process of law despite pendency of the eviction petition.
6. It is stated that the Mr. L.N. Gupta father of Mr. Neeraj Gupta has mortgaged the said property to respondent no.2 on 30.03.2019 and said Mr.L.N. Gupta has defaulted in the payment of loan amount and accordingly, the proceedings under SARFASI Act were initiated by respondent no.2 in respect of the property in question.
7. The petitioner is apprehending his unlawful dispossession out of the tenanted premises. Counsel for the petitioner also cited the order dated



14.06.2024 passed in WP(C) 8644/2024 titled as Rajesh Pandey vs Edelweiss Asset Reconstruction Company Limited whereby under similar situation another Coordinate Bench has directed the parties to maintain *status quo* in respect of the suit premises till the matter is listed before the Debts Recovery Appellate Tribunal on 11.07.2024.

8. Mr.Aditya Prasad, Advocate, who is appearing on advance notice, on behalf of respondents no.1 & 2 stated that the respondent no.1 shall be taking the symbolic possession of the property in question in accordance with law.

9. The present dispute is pertaining to the ownership of the suit premises. The petitioner was admitted as a tenant in respect of the suit premises and is required to be evicted only in accordance with law.

10. Accordingly, the parties are directed to maintain *status quo* regarding the possession in respect of the suit premises i.e. a shop bearing no. 3 forming part of the property bearing no. H-34 B, Laxmi Nagar, Delhi till the matter is listed before the DRAT on 11.07.2024.

11. Accordingly, the present petition stands disposed of.

SUDHIR KUMAR JAIN
(VACATION JUDGE)

RAVINDER DUDEJA
(VACATION JUDGE)

JUNE 21, 2024/tp