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

+ W.P.(C) 14835/2021 & C.M.No.46759/2021

DIAG REALTECH (OPC) PVT. LTD. Petitioner

Through: Mr.Rajat Aneja with Mr.Aditya
Sharma and Mr.Sarthak, Advocates.

versus

CONNAUGHT PLAZA RESTAURANTS PVT. LTD. AND ORS.

..... Respondents

Through: None

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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14.02.2024

1. Present writ petition had been filed challenging the order dated 02nd September, 2020 passed by Debts Revocery Tribunal (DRT)-III in I.A. No.727/2020 in S.A. No.71/2020 whereby DRT-III had directed the parties to maintain *status quo* with respect to property in question till the date of final decision in the matter before DRT.

2. Learned predecessor Division Bench vide order dated 22nd December, 2021 had stayed the order of the DRT-III dated 02nd September, 2020. Since none had appeared on behalf of respondent no.1, notice was directed to be served by way of publication. Learned counsel for the petitioner states that notice has been published in Jansatta (Hindi) and Indian Express (English) newspapers.



3. However, none has entered appearance on behalf of respondent no.1 today. Accordingly, it is proceeded *ex parte*.

4. Learned counsel for the appellant states that after the last date of hearing, the DRT-I has dismissed the proceeding filed by respondent No.1, being TSA/549/2022, in default and on account of non-prosecution.

5. Since the impugned order dated 02nd September, 2020 had been passed in a proceeding which has now been dismissed in default, the impugned order no longer survives. Consequently, the writ petition along with pending application is disposed of as infructuous. However, it is clarified that in the event, the underlying proceedings being I.A. No.727/2020 in S.A. No.71/2020 and/or TSA/549/2022 is sought to be revived, the petitioner shall be at liberty to seek revival of the present writ petition.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

**FEBRUARY 14, 2024
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