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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 285/2023 & CM APPL. 53239/2023 (additional documents)**
M/S KWALITY ELECTRIC THROUGH ITS PROPERITOR

..... Petitioner

Through: Mr. Amit P. Shahi, Advocate

versus

MST. FATIMA MUSLIM & ANR.

..... Respondents

Through: Mr. Himat Akhtar, Mr. Juned Salmani, Mr. Aman Akhtar and Mr. M. Javed, Advocates

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA
ORDER
04.03.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. There having been no stay on operation of the impugned eviction order in the execution proceedings, possession of the subject premises was restored to the present respondents/landlords. On 04.12.2023, placing reliance on certain judicial precedents, learned counsel for respondents/landlords contended before the predecessor bench that the present petition has become infructuous whereas learned senior counsel for petitioner on the said date, took an adjournment to obtain instructions. On the next date i.e., 12.12.2023, adjournment was again requested by learned senior counsel for petitioner and the same was allowed by the learned predecessor bench. On the next date i.e., 19.12.2023, matter was adjourned



to this date at joint request of the parties.

2. Learned counsel for petitioner/tenant does not dispute that possession of the subject premises stands restored to the respondents/landlords, but submits that since the present petition was pending before this court, the learned execution court ought to have waited for decision of this Court. In my view, once the predecessor bench did not find it appropriate to stay the execution, there was nothing wrong on the part of the execution court.

3. Since admittedly the possession of the subject premises stands restored to the respondents/landlords in the execution proceedings, the present petition has become infructuous in view of the legal position as laid down and reiterated in the cases titled as **Smt. Poonam Bangia vs. Harbhagwan Dass Chandiramani** in RC. REV. 16/2021 & CM. APPL. 2959/2021, **N.C. Daga vs Inder Mohan Singh Rana.**, Appeal (Civil) 831/2002, **Vinod Kumar Verma vs Manmohan Verma & Anr.**, Civil Appeal Nos. 5220-5221/2008 and **L.S. Shanmuga Sundaram vs P. Kunji Mohideen Kutti Haji** in C.R.P. (NPD) No. 1571/2022 and C.M.P No.7932/2022.

4. Accordingly, the petition and the pending application are disposed of as infructuous.

GIRISH KATHPALIA, J

MARCH 4, 2024/rk

[Click here to check corrigendum, if any](#)