



\$~53

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

+ **RC.REV. 687/2019**

MOHD HANEEF & ORS

.....Petitioners

Through: Petitioner No.2 in person.

versus

MOHD SALEEM & ANR

.....Respondents

Through: Ms. Sana Ansari and Mr. I. Ahmed,
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

23.12.2024

%

1. The Petitioner No.2, who appears in person, submits that his Counsel is still not available.
2. This Court had on 20.12.2024, after examining the order passed by a Coordinate Bench of this Court, recorded that the possession of the subject premises has been restored on 29.11.2023. The Petitioner No.2 admits that he does not have the possession of the subject premises.
3. This Court had on 20.12.2024, after recording these contentions, held as follows:

“2. A Coordinate Bench of this Court on 31.01.2024 has recorded that the possession of the subject premises already stands restored to the Respondent on 29.11.2023. Since, the possession of the subject premises has been restored, nothing further survives in the present Petition and the Petition has become infructuous.

*3. In this regard, reliance is placed upon the judgment passed by this Court in **Ashok Gupta v. Deepak Rao [2024 SCC OnLine Del 7148]**, which has relied upon by the judgments of the Supreme Court in NC*



Daga v. Inder Mohan Singh Rana [(2003) 1 SCC 453] and Vinod Kumar Verma v. Manmohan Verma [Civil Appeal Nos.5220-5221 of 2008 dated 19.08.2008]. 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 [2019 SCC OnLine Del 6487] and Bhawani Shankar v Nand Lal and Ors. [2021 SCC OnLine Del 4284]

4. In addition, the Petitioner is adequately protected in terms of Section 19(1) of the Delhi Rent Control Act, 1958.

5. The Petitioner appears in person and submits that his Counsel is not available today.”

4. Learned Counsel for the Respondents submits that since the possession has already been restored, nothing further survives in the present Petition and the Petition has become infructuous as has been recorded in the last order.

5. This matter was adjourned at the request of the Petitioners on the last date of hearing as well. All the Petitioners are also not present before this Court as was directed on 20.12.2024.

6. The Petition is accordingly disposed of. Liberty is however granted to the Petitioners to take appropriate proceedings if the need so arises under Section 19(1) of the Delhi Rent Control Act, 1958, in accordance with law.

7. The Respondents are also at liberty to file appropriate proceedings in accordance with law, for recovery of *mesne profits*/damages.

TARA VITASTA GANJU, J

DECEMBER 23, 2024/pa

Click here to check corrigendum, if any