



\$~119

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

% ***Date of decision: 2nd September, 2024***

+ **CM(M) 3311/2024 & CM APPL. 50665-50666/2024**

DIWAN SINGH

.....Petitioner

Through: Dr. Shivam Bajaj with Mr. Akash
Tandon and Ms. Mitali Takkar,
Advocates.

versus

DEEPIKA KRISHNA GOPAL MAHESHWARI AND ANR

.....Respondent

Through: Dr. N. C. Sharma Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein has suffered an admission decree *qua* possession.
2. However, appeal against such decree is pending adjudication before the learned First Appellate Court and during the course of consideration of the said appeal, the petitioner moved an application seeking early hearing and stay.
3. However, such request has not been entertained by the learned Trial Court while citing that on earlier occasion, the petitioner himself had sought adjournments.
4. Learned counsel for the respondent appears on advance notice and accepts notice.



5. When asked, learned counsel for respondent, very fairly, stated that he would not take any further coercive steps in the execution till the next date of hearing i.e. 18.09.2024.
6. In view of the above, the petitioner is left with no grievance in the present petition.
7. The present petition is, accordingly, disposed of with direction that no coercive process be taken by the Decree Holder till 18.09.2024. On that day, it will be up to the petitioner herein to make submission in this regard to the learned First Appellate Court. Learned Appellate Court would decide the same without being influenced by any observation appearing in this order.
8. It will also be open to both the sides to advance final arguments with respect to the main Appeal as well on that day.
9. The petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 2, 2024/sw