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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3676/2024 & CM APPL. 62021-62022/2024**
SH AMARJEET SINGHPetitioner

Through: Mr. Praveen Suri with Mr. Sagar
Nandwani, Advocates.

versus

SHRI MOHAN DAS TALREJA (SINCE DECEASED THR HIS LRS)
AND ORSRespondents

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
23.10.2024

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1. Petitioner is defending an eviction petition filed on the ground of bonafide requirement.
2. During pendency of the above said eviction petition, he filed an application under Section 10 CPC praying therein that the eviction proceedings may be stayed as he has already filed a civil suit seeking declaration that he has become the owner of the tenanted premises by way of adverse possession. The learned Trial Court dismissed the application moved under Section 10 CPC and rightly so, because the tenant was seeking stay of an earlier instituted proceedings not of a subsequently instituted proceedings. To that extent, there is no error in the impugned order.
3. After hearing arguments for some time, learned counsel for the petitioner states that, without prejudice to his rights and contentions, he



does not press the present petition and he would file appropriate application under Section 151 CPC relying on *Baldev Singh vs. Punjab National Bank & Others: (1998) 8 SCC 466*.

4. In view of the above, the present petition is disposed of as not pressed.

5. Needless to say, if any application is eventually moved again by the petitioner before the learned Rent Controller, the learned Rent Controller would consider the same in accordance with law.

MANOJ JAIN, J

OCTOBER 23, 2024
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