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

+ **RC.REV. 234/2024 & CM APPL. 50786-50788/2024**

VIJAY KUMAR & ORS.

.....Petitioners

Through: Mr. Vinod Kumar Khanna, Advocate.

versus

ASHOK KUMAR MISHRA

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

06.12.2024

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1. Learned Counsel for the Petitioners submits that the possession of the subject premises has already been taken over through execution proceedings.
2. This Court has taken a view that since the possession of the subject premises has been restored, nothing further survives in the present Petition and the Petition has become infructuous.
3. The attention of the learned Counsel for the Petitioner is drawn upon the judgment passed by this Court in *Ashok Gupta v. Deepak Rao*¹, which has relied upon the Judgments of the Supreme Court in *NC Daga v. Inder Mohan Singh Rana*² and *Vinod Kumar Verma v. Manmohan Verma*³. This Court is supported in its view by judgments passed by Coordinate Benches

¹ 2024 SCC OnLine Del 7148

² (2003) 1 SCC 453

³ Civil Appeal Nos. 5220-5221 of 2008 dated 19.08.2008



of this Court including *Om Prakash Ashok Kumar & Sons v. Ajay Khurana*⁴, *Neelam Sharma v. Ekant Rekhan*⁵, and *Bhawani Shankar v Nand Lal and Ors.*⁶

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

5. Learned Counsel for the Petitioners seeks and is granted permission to withdraw the present Petition with liberty to take appropriate steps in accordance with law.

6. The Petition is dismissed as withdrawn. All pending Applications stand closed.

7. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

DECEMBER 6, 2024/ ha

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

⁴ 2024 SCC OnLine Del 5228

⁵ 2019 SCC Online Del 6487

⁶ 2021 SCC OnLine Del 4284