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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RC.REV. 331/2015

Y S MANCHANDA & ORS

.....Petitioners

Through: Mr. Pradeep Chhindra and Mr. Raajan Chawla, with Ms. Pallavi Yadav, Ms. Manika Joly and Mr. Parth Dhawan, Advocates.

versus

M/S S S INVESTMENTS

.....Respondent

Through: Mr. Harvinder Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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21.04.2025

CM APPL. 62694/2024 (seeking restoration)

By way of the present application filed under section 151 of the Code of Civil Procedure 1908 ('CPC'), the petitioners/applicants seek restoration of the revision petition, which was dismissed for default of prosecution *vide* order dated 14.10.2024.

2. Notice on this application was issued on 24.10.2024; however no reply has been filed by the respondent to the present application.
3. The court has heard Mr. Pradeep Chhindra, learned counsel appearing on behalf of the petitioners as well as Mr. Harvinder Singh, learned counsel appearing on behalf of the respondent.
4. Giving a brief background of the proceedings in the present matter, Mr. Chhindra explains, that *vide* order dated 24.04.2024 passed in the present proceedings the court had, on an erroneous appreciation of the record, dismissed of the petition as having abated. Subsequent to that order however, in order dated 20.05.2024 the court has observed that



the abatement recorded in order dated 24.04.2024 was inadvertent; though the order of abatement has not been *formally* recalled.

5. Learned counsel has taken the court through the order-sheets in the matter to submit that the reason the petitioners went un-represented on 14.10.2024 was that by order dated 07.10.2024, on which date the matter was listed for CM APPL. No. 59183/2024 filed by the respondent seeking vacation of the interim order, the court had issued notice on the said application and had posted the matter to 14.10.2024, which was the pre-fixed date in the matter.
6. Mr. Chhindra however explains, that this led to confusion about the next date in the matter, which is why the petitioners were not represented on 14.10.2024.
7. The record also shows, that subsequently several orders have come to be passed on multiple applications; but the revision petition itself has still not been restored; nor has the order of abatement been recalled.
8. After hearing learned counsel for the parties, and upon an overall consideration of the matter, this court is of the view that the matter needs to be considered on merits.
9. In the circumstances, the present application is allowed, thereby directing that the order of abatement stands recalled and the petition shall stand restored to its original position and number.
10. It is however made clear that the restoration shall be subject to the petitioners scrupulously complying with order dated 25.09.2019, as regards payment of use and occupation charges.
11. The application stands disposed of in the above terms.



CM APPL. 64682/2024

12. By way of the present application filed under section 151 CPC, the petitioners/applicants seek continuation of interim order dated 20.05.2024, whereby the execution of the impugned eviction order was stayed, pending decision on CM APPL. No. 62694/2024 seeking restoration.
13. In view of the order passed above, and since the petition has been restored to its original position, the application is allowed, thereby directing that interim order dated 20.05.2024, whereby execution of the impugned eviction order was stayed, also stands revived.
14. The application stands disposed-of.

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15. Upon being queried, Mr. Singh submits, that though the petitioners have been paying use and occupation charges, the requisite Form-16 has not been issued to the respondent to enable them to claim benefit of the TDS made in respect of use and occupation charges.
16. It is accordingly directed that the petitioners shall take requisite steps to ensure that the necessary TDS certificates are issued to the respondent, within 04 weeks.
17. List the mater for hearing on 11th August 2025 at 03:30 p.m.

ANUP JAIRAM BHAMBHANI, J

APRIL 21, 2025

V.Rawat