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

+ **RC.REV. 218/2018, CM APPL. 20082-83/2018**

KAMAL KOHLI

.....Petitioner

Through: **Mr. Saurya Mittal, Advocate.**

versus

PREM KUMAR JAIN & ORS

.....Respondents

Through: **Mr. Deepak Kumar Singh, Advocate**
with Respondents in person.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

20.12.2024

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1. It is not disputed by learned Counsel for the parties that the possession of the subject premises was recovered by the Respondents/landlords 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. Learned Counsel for the parties submit that the Petition has become infructuous.

5. Learned Counsel for the Petitioner seeks permission to withdraw the present Petition with liberty to challenge the title of the Respondents/landlords in appropriate proceedings. The liberty is so granted in accordance with law.

6. The Petition and pending Applications stand dismissed as withdrawn.

TARA VITASTA GANJU, J

DECEMBER 20, 2024/pa

[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