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

+ **RC.REV. 395/2016, CM APPLs. 19656-57/2023**

OM PRAKASH & ORS

.....Petitioners

Through: Mr. Pawan Kumar Bahl, Advocate
with P-3 in-person

versus

RAJU SAINI & ANR

.....Respondents

Through: Mr. Arvind Kumar Gupta, Advocate

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

23.12.2024

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1. The Petitioner no. 3 is physically present in the Court today.
2. This Court had on 12.12.2024 has noted as follows:

"1. None appears for the Respondents.

2. The order dated 01.05.2017 passed by a Coordinate Bench of this Court shows that the possession of the subject premises was recovered by the Respondents/landlords in execution proceedings. This fact has not been disputed by the learned Counsel for the Petitioners/tenants.

*3. This Court in **Ashok Gupta v. Deepak Rao**, relying on the judgments of the Supreme Court in **NC Daga v. Inder Mohan Singh Rana** and **Vinod Kumar Verma v. Manmohan Verma** has held that once the possession of the subject premises has been restored, nothing further survives in the present Petition and the Petition has become infructuous.*

*3.1. This Court is supported in its view by judgments passed by Coordinate Benches of this Court including **Om Prakash Ashok Kumar & Sons v. Ajay Khurana**, **Neelam Sharma v. Ekant Rekhan** and **Bhawani Shankar v Nand Lal and Ors.***

4. The Petitioner/tenant is also adequately protected in terms of Section 19(1) of the Delhi Rent Control Act, 1958.



5. Learned Counsel for the Petitioners requests for some time to take instructions.

6. At his request, list on 23.12.2024 in the Supplementary List.”

3. Learned Counsel appearing on behalf of the Petitioner seeks and is granted permission to withdraw the present Petition.

4. The Petition is, accordingly, dismissed as withdrawn. The liberty is, however, granted to the Petitioner to file appropriate proceedings under Section 19 of Delhi Rent Control Act, if need arises, in accordance with the law.

5. All Pending Applications stand closed.

TARA VITASTA GANJU, J

DECEMBER 23, 2024

g.joshi

Click here to check corrigendum, if any