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

+ **RC.REV. 33/2025 & CM Appls.4974-75/2025**

MS. NIRMAL CHAWLA

.....Petitioner

Through: Ms. Prachi Goel, Mr. Surendra
Rajwal and Mr. Bhuwan Jayant,
Advs.

versus

SH. DEEPAK TALWAR & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

27.01.2025

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1. The present Petition has been filed on behalf of the Petitioner impugning the order dated 08.01.2024 [hereinafter referred to as “Impugned Order”] passed by the learned ARC-02, Central District, Tis Hazari Courts, Delhi with respect to the premises i.e., a shop bearing Mpl. No. 11187 on ground floor of 7A/11, Chanana Market, W.E.A. Karol Bagh, New Delhi – 110005 measuring 169 sq. yds. as shown in red colour in the site plan annexed with the Eviction Petition [hereinafter referred to as “subject premises”]. By the Impugned Order, the leave to defend Application filed by the Petitioner/tenant has been dismissed.

2. At the outset, on a query put by the Court, learned Counsel for the Petitioner fairly submits that the possession of the subject premises has been recovered in the execution proceedings in November, 2024.

3. This Court has in *Ashok Gupta v. Deepak Rao*¹, while relying upon the Judgments of the Supreme Court in *NC Daga v. Inder Mohan Singh*

¹ 2024 SCC OnLine Del 7148



*Rana*² and *Vinod Kumar Verma v. Manmohan Verma*³ has held that once the possession of the subject premises has been restored, nothing further survives in the present Petition and the Petition becomes infructuous. 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*⁴, *Neelam Sharma v. Ekant Rekhan*⁵, and *Bhawani Shankar v Nand Lal and Ors.*⁶

4. In view of the foregoing, learned Counsel for the Petitioner/tenant seeks and is granted permission to withdraw the present Petition.

5. The present Petition is accordingly dismissed as withdrawn. All pending Applications stand closed.

TARA VITASTA GANJU, J

JANUARY 27, 2025/r

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

² (2003) 1 SCC 453

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

⁴ 2024 SCC OnLine Del 5228

⁵ 2019 SCC Online Del 6487

⁶ 2021 SCC OnLine Del 4284