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

+ **RC.REV. 103/2024 & CM APPL. 21640/2024**

SHRI PREM CHAND

.....Petitioner

Through: None.

versus

SHRI MOTI JAIN

.....Respondent

Through: Mr. Mukul Gupta, Sr. Advocate with
Mr. Sudhir Gupta & Mr. Sumit Kr.
Mishra, Advocates.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

12.02.2025

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1. None appears for the Petitioner/tenant. The learned Counsel for the Petitioner/tenant had, on the last date of hearing, requested for an adjournment and the date was given in his presence.
2. Learned Senior Counsel for the Respondent/landlord once again reiterates his contention that the possession of the subject premises has already been taken by the Respondent/landlord through execution on 28.09.2024, and that nothing further survives in the present Petition.
3. This Court had, on the last date of hearing, directed as follows:
 - “2. Learned Senior Counsel for the Respondent/landlord, thus, submits 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. In this regard, reliance is placed 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 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, it is contended that the Petitioner/tenant is adequately protected in terms of Section 19(1) of the Delhi Rent Control Act, 1958.”

4. Given the position and the non-appearance of the Petitioner, the Petition is dismissed, including in default. Pending Application also stand closed.

TARA VITASTA GANJU, J

FEBRUARY 12, 2025/ ha

Click here to check corrigendum, if any

¹ 2024 SCC OnLine Del 7148

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