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

+ **RC.REV. 168/2020, CM APPLs. 15390-91/2020**

MAHINDER MALHOTRA

.....Petitioner

Through: Mr. Shiva Handa, Adv.

versus

NALINI KOHLI

.....Respondent

Through: Ms. Inderjeet Saroop, Mr. Raghav Saroop, Mr. Prabhakar Roy, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

09.01.2025

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1. Learned Counsel for the Respondent/landlord submits that the possession of the subject premises has already been taken by the Respondent/landlord through execution.
2. Learned 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

¹ 2024 SCC OnLine Del 7148

² (2003) 1 SCC 453

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



Om Prakash Ashok Kumar & Sons v. Ajay Khurana⁴, Neelam Sharma v. Ekant Rekhan⁵, and Bhawani Shankar v Nand Lal and Ors.⁶.

4. Learned Counsel for the Petitioner/tenant seeks permission to withdraw the present Petition.

5. Learned Counsel for the Petitioner/tenant submits that liberty under Section 19 of the Delhi Rent Control Act, 1958 be accorded to the Petitioner/tenant.

5.1 Learned Counsel for the Respondent/landlord submits that the liberty as provided in the statute cannot be taken away.

6. The present Petition is accordingly dismissed as withdrawn. Pending applications stand closed.

TARA VITASTA GANJU, J

JANUARY 9, 2025/jn

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