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

+ **RC.REV. 345/2023 & CM APPL. 62645/2023**

OM PRAKASH CHABBRA DECEASED THROUGH LRS

.....Petitioner

Through: None

versus

RAJESH MALIK

.....Respondent

Through: Mr. Sunil Malhotra and Mr. Rajat Malhotra, Advocates.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

07.02.2025

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1. None appears on behalf of the Petitioner/tenant.
2. Quite clearly, the Petitioner/tenant is not interested in prosecuting the case any further.
3. Learned Counsel for the Respondent/landlord submits that the possession of the subject premises has been handed over to the Respondent/landlord through execution proceedings. Learned Counsel for the Respondent/landlord submits that the user and occupation charges/damages for unauthorised use and occupation of the subject premises are yet to be recovered. The Respondent/landlord is at liberty to take appropriate steps in accordance with law for recovery of the same.
4. 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

5. The Petitioner is adequately protected in terms of Section 19(1) of the Delhi Rent Control Act, 1958 and is at liberty to take appropriate steps, if the need arises, in accordance with law.

6. Since the Petition has become infructuous, it is disposed of. Pending Application shall stand closed.

7. The Respondent/landlord is however at liberty to file appropriate proceedings in accordance with law for recovery of user charges, rental and any other charges due, *albeit* in accordance with law.

TARA VITASTA GANJU, J

FEBRUARY 7, 2025/pa

[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