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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 2288/2025, CM APPL. 74318/2025, 74319/2025 & 74317/2025**

M/S TAMIL EXPRESS KITCHEN PVT LTDPetitioner

Through: Mr. Pawanjit Singh Bindra, Sr.
Advocate with Mr. Lakshay Dhamija
and Ms. Liza Kesi, Advocates.

versus

M/S IVVI HOSPITALITY PVT LTD & ORS.Respondents

Through: Mr. Abhinav Agnihotri, Advocate for
R-4.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

% **ORDER**
27.11.2025

1. Petitioner has assailed order dated 24.09.2025 of the learned appellate court, whereby the detailed order passed by the learned trial court was stayed till next date. It is contended by learned Senior Counsel for petitioner that despite the petitioner being a registered lessee of the original title holder, the learned appellate court has taken away the interim protection ex-parte.
2. Having heard the learned Senior Counsel for petitioner and having examined the record, keeping in mind the limited scope of intervention under Article 227 of the Constitution of India, it is considered appropriate that this court should step in only after the application under Order XXXIX



Rule 1 and 2 CPC is completely adjudicated upon by the learned appellate court. On this aspect, learned Senior Counsel has explained the urgency and has also referred to the order passed by the learned trial court, which was ex-parte stayed till next date and that ad-interim protection continues till 17.12.2025.

3. In view of the aforesaid, learned Senior Counsel for petitioner on instructions seeks permission to withdraw this petition with liberty to file a fresh petition after disposal of the stay application by the learned appellate court, if so required.

4. Accordingly, the petition and the accompanying applications are dismissed as withdrawn with liberty as sought and with the direction to the learned appellate court to completely decide the stay application on the date already fixed, i.e., 17.12.2025 or at the most within two weeks thereafter.

GIRISH KATHPALIA, J

NOVEMBER 27, 2025/ry