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

+ **RFA 194/2025 & CM APPL. 16745/2025**

VATEENA BEGUMAppellant

Through: Md. Azam Ansari, Adv.

versus

SHAMIM ZAFAR & ORS.Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **21.03.2025**

CM APPL. 16744/2025

1. The application has been filed seeking directions '*not to dictate and pronounce the judgment which was reserved by this Court on 18th March 2025*'. This, the appellant's counsel states, is in view of the *status quo* orders passed by the Supreme Court on 19th March 2025, in **Special Leave Petition (Civil) No. 7378/2025 ('SLP')**.

2. While the application would have to be allowed, considering that this Court will not pass any judgment when the *status quo* orders have already been passed by the Supreme Court, it is imperative and necessary to highlight the conduct of the counsel, *Mr. Mohammad Azam Ansari*, Advocate on Record, in this regard.

3. The sequence of events for this purpose, necessitated for reference, are as under:

i) **RFA 194/2025** filed on behalf of *Vateena Begum* was first listed



before this Court on 28th February 2025. It was re-notified to 4th March 2025.

- ii) On 4th March 2025, the Predecessor Bench heard the matter, including the **CM APPL. No. 11912/2025**, by which appellant was seeking a stay of the operation of the impugned judgment of 20th December 2024. Effectively, the plea was to seek *status quo* on the possession of appellant's suit property.
- iii) On 4th March 2025, the Predecessor Bench heard the matter and stated that it was not *prima facie* convinced to grant an *ex-parte* stay, and notice was the issued to the respondents, returnable on 5th August 2025. Thereafter, these observations were passed and notice was issued; however, counsel for the appellant persisted with his arguments, and the Predecessor Bench noted as under:

“7. Despite passing of this order, learned counsel for appellant is continuing with his submissions. I have repeatedly requested him to let me proceed to the next matter. It is quite unfortunate that initially learned counsel for appellant started with a false and misleading submission that all issues were decided in his favour but only on the basis of RTI documents, the impugned order was passed against the appellant. But on being pointed out the relevant portions of the judgment according to which the issues were decided against the appellant, the learned counsel submitted that the RTI documents were not proved. But even on that aspect, the submission was not in accordance with the record. At request of learned counsel for appellant, I recorded all his submissions as above. Despite that, the learned counsel is not ready to step aside and let me proceed with the other matters.

8. At this stage, learned counsel states that his stay



application be decided right now. I have already observed above that this is not a fit case to grant ex-parte stay, which means that after hearing the other side through detailed arguments and perusal of trial court record, the application shall be considered.”

- iv) **Review Petition 145/2025**, was then filed seeking review of the order dated 4th March 2025, which was placed before the Predecessor Bench. The Bench heard the Review Petition and, taking into account the distress sought to be averred by the appellant, directed the stay application to be listed on 18th March 2025 before the Roster Bench.
- v) On 18th March 2025, this Court (Roster Bench) heard detailed arguments (for about an hour) on behalf of both the appellant and the respondent and reserved its judgment, considering the anxiety expressed by the counsel for the Appellant.
4. Today, when this application is filed, three aspects are ascertainable, which counsel for appellant does not dispute and, in fact, confirms the same:
- i) **Firstly**, when the matter was being heard by the Court on 18th March 2025, there was absolutely no mention or whisper by counsel for appellant that SLP had been filed before the Supreme Court (*which even as per him was filed on 16th March 2025*). The least the counsel for appellant could have done was to inform this Court that an SLP had been filed impugning the order dated 4th March 2025, but this was not done. Nevertheless, the Court heard the matter and reserved judgment.
- ii) **Secondly**, on a query by this Court whether the Supreme Court was informed that there was a subsequent order of 6th March 2025 in Review Petition, pursuant to order dated 4th March 2025 (*which*



has been impugned in the SLP), it is informed that the Supreme Court was also not informed about order dated 6th March 2025.

iii) Thirdly, upon a query to *Md. Azam Ansari*, counsel for appellant, he states that he did not inform the Supreme Court on 19th March 2025, that pursuant to order dated 6th March 2025, this Court had heard the matter for a considerable length of time, just the day before, on 18th of March 2025 and in fact reserved the orders in stay application **CM APPL. No. 11912/2025**.

5. Though counsel for appellant seeks to justify the same by stating that both the Review Petition and SLP were drafted together and the SLP was suddenly listed on 19th March 2025, the Court finds it unacceptable that **the counsel for appellant sought not to disclose to this Court about the filing of the SLP, and to the Honourable Supreme Court about the passing of order dated 6th March 2025 in the Review Petition, and about the matter being heard and reserved by this Court on 18th March 2025.**

6. Whatever the impact of that disclosure may have been, it was unquestionably the duty of the counsel to apprise the Hon'ble Supreme Court and this Court of the parallel proceedings.

7. Without expressing any further opinion on the conduct of the counsel, in this regard, the application is allowed, and the court therefore releases the judgment which it has reserved in **CM APPL 11912/2025** in view of the Supreme Court decision.

8. Counsels for the parties may bring this order to notice of the Supreme Court in subsequent proceedings before it, so that a complete picture is placed on record before the Supreme Court.

9. List on 5th August 2025 before the Joint Registrar, the date already



fixed.

10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 21, 2025/sm/tk