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

+ **CM(M) 3858/2024**

GAUTAM BHATIA

.....Petitioner

Through: **Mr. Manoj Kr. Gahlaut, Adv.**

versus

SMT SUSHMA NANDA

.....Respondent

Through: **Mr. Rajiv Bajaj and Mr. Vidur
Marwah, Adv.**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **20.11.2024**

CM APPL. 67419/2024 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 3858/2024 & CM APPL. 67418/2024 STAY

1. The petition under Article 227 of the Constitution of India impugns the order dated 09.08.2024 passed by the learned District Judge-07, (West), Tis Hazari Courts, Delhi whereby the application of the petitioner under Order VI Rule 17 CPC filed in Civil Suit bearing no.1003/2023, has been dismissed.
2. Learned counsel objects to the maintainability of the petition submitting that trial court has allowed his application under Order XII Rule 6 CPC, thereby granting decree of possession in favour of the respondent and petitioner has already challenged the same by filing Regular First



Appeal being RFA No. 542/2024 before the High Court.

3. Learned counsel for the petitioner seeks adjournment for submitting arguments on the maintainability.
4. List on 22.01.2025.

RAVINDER DUDEJA, J

NOVEMBER 20, 2024/ib