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

+ **EX.P. 186/2009**

SH. RAVINDER PRAKASH PUNJ

..... Decree Holder

Through Mr Raman Gandhi, Advocate.

versus

PUNJ SONS PVT. LTD AND OTHERS Judgement Debtor

Through Mr Naresh Thanai, Mr Khushboo Singh,
Advocate for JD Nos. 1 and 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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07.05.2018

Ex. A. 11/2018

1. The petitioner/applicant has filed the present application, *inter alia*,
praying as under:-

“Stay the further progress of the suit for recovery of possession filed by the defendant number one and pending before the Hon’ble court of Shri Vijay Shankar, ADJ, Tis Hazari, Delhi or in the alternative restrained the judgement debtor number one from prosecuting the said suit before the trial court.”

2. The applicant, essentially, seeks stay of the Civil Suit No. 468/2017 (ID No. 618493/2016) (hereafter ‘the said suit’).

3. The learned counsel appearing for the applicant has referred to the decision of the Division Bench of this court in ***Ravinder Prakash Punj v. Punj Sons Pvt. Ltd.*** rendered on **06.09.2012** in ***EFA (OS) 19/2010***. In terms of the said decision, the factory land at Kalkaji, belonging to Punj Sons



Private Limited (PSPL), was directed to be provisionally divided in three equal shares by metes and bounds and be allocated to Groups 'A', 'C' & 'D', either as mutually agreed upon by them or by a draw of lots. The said order was carried in appeal before the Supreme Court, and by an order dated 10.07.2017 the Supreme Court has directed that the *Status quo*, as on that date be maintained.

4. The applicant has also filed the application before the Court of the Additional District Judge seeking stay of the said suit pending before the said court.

5. This Court is of the view that the present application is misconceived as the question whether the said suit has to be stayed or not has to be decided by the concerned Court, in the first instance. It is not apposite for this Court to pass any orders in this application while the application for similar relief filed before the learned ADJ is pending consideration. This Court has no doubt that the concerned Court shall have due regard to the order of the Supreme Court while considering the said application.

6. The application is, accordingly, disposed of.

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7. List on 25.10.2018.

VIBHU BAKHRU, J

MAY 07, 2018

pkv