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

+ **RC.REV. 350/2016**

**MAHINDER KAUR (SINCE DECEASED) THR HER LEGAL
REPRESENTATIVES & ORS Petitioners**

Through: None.

versus

**O P VERMA (SINCE DECEASED) THR HIS LEGAL
REPRESENTATIVE Respondent**

Through: Mr. K. K. Sharma, Sr. Adv. with Mr.
D. K. Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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15.11.2022

CM APPL. 14104/2018 (vacation of stay)

1. None appears for the petitioners.
2. Eviction order in the present case was passed on 09.03.2016. An interim order came to be passed on 21.02.2018 in these proceedings whereby the execution of the impugned eviction order was stayed.
3. Vide order dated 11.04.2018, this Court noticed that the petitioners were not paying rent for many years prior to passing of the eviction order. It was noted that requisite order/s was required to be passed for payment of use and occupation charges in terms of judgment of ***Atma Ram Properties (P) Ltd vs. Fedral Motors (P) Ltd. (2005) 1 SSC 705***. However, no order came to be passed with regard to the use and occupation charges.



4. Learned Senior counsel for the respondent emphasizes the urgency of the matter in the aforesaid circumstances.
5. In the interest of justice, since none appears on behalf of the petitioners, renotify on 24.11.2022 at 03:30 PM.
6. Issue court notice to the petitioners for the next date of hearing, through all permissible modes, including electronically, and also through counsel who has been appearing for the petitioners in the matter.
7. It is made clear that the matter shall be taken up for hearing on the next date of hearing, even if there is no appearance on the behalf of the petitioners.

SACHIN DATTA, J

NOVEMBER 15, 2022/ssc