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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RC.REV. 350/2016 & CM APPL. 14104/2018 (vacation of stay)**

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

Through: Ms. Kritika Khurana, and Ms.
Shrishti Jeswani, Advocates

versus

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

Through: Mr. D. K. Sharma and Mr. Parth
Sahrawat, Advocates

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
03.04.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. Passover awaiting arguing counsel requested by learned counsel for petitioner. Despite pending heavy board, passover is allowed in view of old pendency of this case.

GIRISH KATHPALIA, J

APRIL 3, 2024/as

2. In the previous call, matter was passed-over awaiting the arguing counsel for petitioner and it was made clear that the pass-over was being allowed despite pending heavy board in this post-lunch session on account of old pendency of this case. Despite that, arguing counsel has opted not to appear till this time (04:20 pm). Another counsel on behalf of petitioner has



appeared with adjournment request.

3. Perusal of record shows that the petitioner/tenant has been enjoying protection from operation of the impugned eviction order since 21.02.2018 without paying a single penny towards use and occupation charges. Even from the side of respondent/landlord, no formal application for use and occupation charges was filed till date.

4. Before me, the matter has come up today for the first time. Learned counsel for petitioner expresses inability to decide whether use and occupation charges on the basis of material on record be fixed today or the matter be adjourned at her request subject to costs. At this stage, counsel for petitioner seeks adjournment even if subject to costs.

5. Accordingly, subject to costs of Rs. 20,000/- to be paid by the petitioners by way of Demand Draft in the name of Mr. Rajan Varma (*one of the LRs of the deceased respondent, present in Court*) by the next date, adjournment request of petitioner is allowed.

6. Relist on 11.07.2024.

GIRISH KATHPALIA, J

APRIL 3, 2024/rk

[Click here to check corrigendum, if any](#)