

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4622 OF 2013  
(Arising out of SLP(C) No. 11509 of 2012)

KHOSLA MEDICAL INST.& RESEARCH SOCIETY                      Appellant

VERSUS

DELHI DEVELOPMENT AUTHORITY &  
ANOTHER    Respondents

O R D E R

1.            Leave granted.

2.            This appeal is directed against the interim order dated 04.01.2012 passed by the High Court of Delhi in C.M. No. 135 of 2012 in RFA No. 11/2012 whereby the High Court has admitted the First Appeal filed by the Appellant challenging the cancellation of lease deed which was granted to him by the respondent no.1. Admittedly, the First Appeal is subjudice before the High Court, but the application filed by the Appellant seeking interim order of status quo has been refused. Thus, this appeal is directed against the refusal of the High Court to maintain status quo in regard to the land in question on which the Petitioner's Ayurvedic Hospital is running.

3.            Learned senior counsel for the Appellant impressed upon this Court that the Appellant may be permitted interim protection of status quo during the pendency of appeal before the High Court, for even if the appeal is finally allowed and in the interregnum he is uprooted by vacating the premises, that will result into grave consequence for the hospital.

4.            Learned senior counsel for the respondent, however, resisted and contended that even if the appeal is allowed by the High Court, the Appellant will have a remedy of restitution of the suit premises at the appropriate stage.

5.            On an analysis of the arguments and counter arguments, we are of the view that the Appellant at this stage has made out a plausible case in his favour insofar as the plea of grant of order



KHOSLA MEDICAL INST.& RESEARCH SOCIETY

Petitioner(s)

VERSUS

DELHI DEVT.AUTH.& ANR

Respondent(s)

(With appln(s) for PERMISSION TO ACCEPT LENGTHY LIST OF DATES and prayer for interim relief and office report)

Date: 02/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s)            Mr. Ravindra Shrivastava, Sr.Adv.  
                                 Ms. Iti Sharma, Adv.  
                                 Mr. Abhinav Shrivastava, Adv.  
                                 Mr. Harmeet Ruprah, Adv.  
                                 Mr. Suvigya Awasthi, Adv.  
                                 Mr. Abhijeet Sinha, Adv.

For Respondent(s)            Mr. A. Saran, Sr.Adv.  
                                 Ms. Binu Tamta, Adv.  
                                 Mr. Dhruv Tamta, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

Appeal is disposed of in terms of the signed order.

(NAVEEN KUMAR)  
COURT MASTER

(SNEH BALA MEHRA)  
COURT MASTER

(Signed order is placed on the file)