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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Order: 22.12.2023*+ **RC.REV. 364/2023 & CM Appl.67165/2023****DEVENDER SABARWAL**

..... Petitioner

Through: Mr. Shubham Jain, Adv. with  
Petitioner in person.

versus

**RAMAN GOYAL**

..... Respondent

Through: Mr. Ayush Gupta, Adv.

**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****[Physical Hearing/Hybrid Hearing (as per request)]****TARA VITASTA GANJU, J.: (ORAL)****CM Appl.67164/2023[Application for exemption]**

1. Allowed, subject to the Petitioner filing original, certified and fair types copies of the annexures within two weeks.

**RC.REV. 364/2023 & CM Appl.67165/2023[Application for stay]**

2. The present Petition has been filed by the Petitioner impugning the order dated 07.02.2023 [hereinafter referred to as "Eviction Order"] as well as a review order dated 21.10.2023 [hereinafter referred to as "Review Order"] passed by learned SCJ-cum-RC, South East, Saket Courts, New Delhi with respect to the premises i.e., window type shop measuring 5.5 X 3.5 ft. part of premises no. 32, Khanna Market, Lodhi Road, New Delhi [hereinafter referred to as "demised premises"].

3. Learned Counsel for the Respondent has entered appearance today.

4. Learned Counsel who appears on behalf of the Petitioner submits that the possession of the demised premises has been taken over by the



Respondent through execution proceedings on 09.11.2023.

4.1 After some arguments, learned Counsel for the Petitioner, on instructions from the Petitioner, who is present in the Court today submits that the Petitioner seeks leave of the Court to withdraw the present Petition with liberty to file an appropriate proceeding to challenge the title of the Respondent.

4.2 The liberty is so granted.

5. It is, however, clarified that since, no evidence has been led before the Rent Controller at the time of the passing of the Eviction Order, any observations on the title documents made in the Eviction Order shall not come in the way of the Petitioner in the title suit (if any) filed.

6. These directions are being passed without prejudice to the rights and contentions of both the parties. The parties are permitted to agitate their respective contentions before an appropriate forum, including the plea with respect to limitation.

7. It is made clear that this Court has not examined the matter on merits.

8. Accordingly, the present Petition is dismissed as withdrawn and all pending Applications stand closed.

9. File be consigned to record.

10. Parties will act based on the digitally signed copy of the order.

**TARA VITASTA GANJU, J**

**DECEMBER 22, 2023/r**

*Click here to check corrigendum, if any*