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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 25th March, 2025***
+ CM(M) 2174/2024 & CM APPL. 17191/2024 & CM APPL.
47280/2024 & CM APPL. 53593/2024
CHANDRA SHEKHAR BHARDWAJ

.....Petitioner

Through: Petitioner in person.

versus

MAJ. (RETD.) K.R. SURI SINCE DECEASED THROUGH LR

.....Respondent

Through: Mr. Satyakam Saini, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner has suffered a decree of possession and *mesne profits* and challenged the abovesaid decree by filing a First Appeal which was registered as RCA DJ 110/2019.
2. During the pendency of the abovesaid appeal, the learned First Appellate Court passed an order on 17.08.2023, directing stay of operation of the impugned judgment on certain conditions.
3. Such order was challenged by the appellant by filing present petition under Article 227 of Constitution of India.
4. Mr. Saini, learned counsel for respondent/plaintiff, who appears through *video-conferencing*, however, submits that there is a significant development in the matter as the abovesaid appeal has already been disposed of by the learned First Appellate Court on 12.02.2025.



5. It is submitted that such appeal has been dismissed on merits.
6. Petitioner does not dispute the abovesaid subsequent development. He, however, submits that the order, which is impugned herein, could not have been passed by the learned First Appellate Court.
7. When asked, petitioner Mr. Sharma also submitted that he is contemplating filing Regular Second Appeal and such filing is already in process.
8. In such a peculiar situation, as and when any such appeal is filed by the petitioner herein, if so advised, he can also lay challenge with respect to order dated 17.08.2023, which is impugned herein. Moreover, any such interim order merges with the final order.
9. Since the main appeal has already been disposed of, the appropriate remedy for the petitioner would be to challenge the abovesaid order dated 12.02.2025 and, therefore, in view of the abovesaid development, this Court does not find any reason to keep this petition alive any further.
10. The present petition, along with all the pending applications, stands disposed of in aforesaid terms.
11. Needless to say, this Court has not expressed any opinion with respect to the correctness of the order dated 17.08.2023.
12. All the rights and contentions of the parties are left open.

(MANOJ JAIN)
JUDGE

MARCH 25, 2025/ss/SS