

ITEM NO.4

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 4949/2020

(Arising out of impugned final judgment and order dated 14-01-2020 in RCREV No. 207/2018 passed by the High Court Of Delhi At New Delhi)

MOHD. YUSUF (DECEASED) THR. LRS Petitioner(s)

VERSUS

MOHD. REHAN SIDDIQUI & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.33901/2020-EXEMPTION FROM FILING O.T.)

Date : 03-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Amit A., Adv.
Mr. Arun K. Sharma, Adv.
Mr. B. Suyodhan, Adv.
Ms. Tatini Basu, AOR

For Respondent(s)

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

The grievance of the petitioner is that even if leave to defend, as prayed by the petitioner, was rejected, it does not follow that an order of eviction could be passed without a formal trial, as has been done by the Trial Court vide order dated 07.11.2017 (at page 95 of the SLP paper book).

It appears that no such grievance was made before the High Court. For, in paragraph 5 of the impugned order, the High Court

has noted the only ground urged before it by the learned counsel for the petitioner.

Therefore, we leave it open to the petitioner to approach the High Court by way of review petition, if so advised.

If the Review Petition is decided against the petitioner, it will be open to the petitioner to challenge the said decision as well as the impugned judgment by way of a fresh Special Leave petition before this Court.

Interim protection is granted to the petitioner for a period of one week only to enable the petitioner to approach the High Court by way of review petition.

The Special Leave Petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)