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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 11846/2021, CM APPL. 41922-41923/2024

MOHD IQBAL .....Petitioner

Through: Mr. Rajat Aneja, Mr. Medha Sharma, Mr. Aditya Sharma, Mr. BN Jha and Mr. Birender Kr. Jindal, Advocates.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Tanmaya Mehta, Mr. Arhum Sayeed, Mr. Rahil Ahmed and Mr. Gaurav Bishnoi, Advocates for R-3.
Ms. Dezy Gaur and Mr. Ravinder Adlakha, Advocate for APplicant
Ms. Monika Arora, CGSC with Mr. Sudhrodeep Saha, Advocate for UOI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 25.07.2024

CM APPL. 41924/2024 *(for stay of CM(M) No. 1376/2017)*

1. The Applicant, Ms. Kiran Kalra, claims to be a tenant of the property in question. She has preferred C.M. APPL 41922/2024 seeking impleadment as a party to the present petition, which is pending consideration. Through the instant application, Ms. Kalra has applied to the Court to obtain the following relief:

"It is, therefore, most respectfully prayed that this Hon'ble Court be

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pleased to grant stay of the proceedings in CM(M) No.1376/2107 titled as Anil Karla and another v Sheikh Mohammad Iqbal fixed for final arguments on 26.07.2024 in terms of order dated 08.02.2024 passed by this Hon'ble court during the pendency of the case to meet the ends of justice."

2. On 21st October, 2021, the Court granted permission to the Petitioner to continue with the ongoing legal proceedings initiated against the tenants/ erstwhile occupants. On 08th February, 2022, the following order was passed:

> *"Mr. Mehta has sought variation in the interim order dated October 21, 2021 to the extent where the Court has granted liberty to the petitioner to pursue all his pending petitions against the tenants / erstwhile occupants which includes the intervener herein for whom Mr. Mehta is appearing by stating that the proceeding before the concerned Court is at the advance stage / applications are being considered , if the said petition is finally decided , the petition qua the intervener would become infructuous.*
>
> *He states that liberty be granted to intervener to approach this Court if the proceedings in the concerned Court approaches the final stage.*
>
> *Noting the submission liberty is granted to the applicant to file an application if the proceedings before the concerned Court are approaching the final stage, which shall be considered in accordance with law.*
>
> *Re-notify on March 15, 2022 before Registrar.*
>
> *The interim order passed on October 21, 2021 shall continue till the hearing in Court subject to the variation made above."*

3. It is submitted that rights of the Applicant in the property in question are a subject matter of CM(M) 1376/2017, which is listed for final hearing tomorrow, *i.e.*, on 26th July, 2024 before a Coordinate Bench. The Applicant urges that if the aforesaid case is finally decided, it would render the relief in respect of the Applicant in the present petition redundant. Therefore, she claims parity with Respondent No. 3 – Mr. Ranjiv Khanna, who is also a tenant and has been permitted to intervene.

4. The Court has considered the above-noted but remains unpersuaded with the Applicant's submissions. The Applicant's application for impleadment is pending consideration, and no notice has been issued

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thereon. She has, at the moment, not demonstrated her entitlement to be joined in the present proceedings, that would warrant issuance of liberty parallel to the one granted to Respondent No. 3. Furthermore, the liberty granted on 08th February, 2022 was confined to Respondent No. 3 (intervenor), and cannot be extended to all purported tenants without any cogent basis. The Applicant has therefore, failed to make out a case in her favour.

5. In the opinion of the Court, the application is grossly misconceived and is accordingly, dismissed.

6. The Applicant shall be free to apprise the Court considering CM(M) 1376/2017 of the orders passed in this petition.

SANJEEV NARULA, J

JULY 25, 2024
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