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

+ **RFA 233/2017 & CMs 7596-99/2017**

PARGAN SINGH & ANR Appellants

Through : Mr. Sunil Mittal, Sr. Advocate with
Ms. Seema Seth and
Mr. Vikram Chaudhary, Advocates

versus

GURUBACHAN SINGH Respondent

Through : None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **27.02.2017**

1. The appellants/defendants are aggrieved by the judgment and decree dated 24.10.2016 passed by the trial court in a suit for recovery of possession, permanent injunction and recovery of damages/mesne profits instituted against them by the respondent, the 90 years old father of the appellant No.1.
2. Mr. Mittal, learned Senior Advocate appearing for the appellants/defendants states at the outset that the appellants/defendants do not wish to press the appeal on merits and they only seek some reasonable time of three months to vacate the suit premises. He explains that the appellant No.2, wife of the appellant No.1 and daughter-in-law of the respondent, is suffering from cancer and they need some time to look for an alternate accommodation.

3. In view of the above, the appeal is disposed of, along with the pending applications. A limited notice is issued to the respondent on the aforesaid aspect as also on the aspect of payment of the use and occupation charges of the suit premises, on filing or process fee by the appellants within one week, by ordinary process and speed post, returnable on 20th March, 2017.

4. Subject to the appellants depositing a sum of Rs.75,000/- in Court within two weeks from today, operation of the impugned judgment and decree shall remain stayed. In case of default in complying with the aforesaid order, the respondent shall be entitled to seek execution of the impugned judgment and decree in accordance with law, subject to restitution in event the appellants ultimately succeed in the appeal.

DASTI.

HIMA KOHLI, J

FEBRUARY 27, 2017

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