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

+ RFA 123/2017

PRAVEEN KUMAR & ANR

..... Appellants

Through: Mr. Ashish Bhagat, Advocate with
Mr. Brajesh Kumar and Mr. Akshat Kumar, Advs.

versus

RAKSHI AGGRAWAL & ORS

..... Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

22.03.2017

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1. The appellants/plaintiffs are aggrieved by the judgment dated 14.09.2016, passed by the learned trial court dismissing their suit for declaration, praying *inter alia* that they be declared as owners in adverse possession of the suit premises and for permanent injunction.
2. It is pertinent to note that despite service, the respondents/defendants did not appear in the suit and they were proceeded against ex-parte vide order dated 20.05.2013.
3. After addressing arguments at admission for some time, Mr. Bhagat, learned counsel for the appellants states that he does not wish to press the appeal on merits. He, however, states that in the event, a suit for possession in respect of the suit premises is instituted against the appellants in the future, they reserve their right to take the plea of ownership by adverse possession in the said proceedings.

4. While maintaining the impugned judgment, leave, as prayed for, is granted. The appeal is disposed of.

HIMA KOHLI, J

MARCH 22, 2017

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