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

+ **RFA 908/2018**

URMILA DEVI & ANR

..... Appellants

Through: Mr. Sudhir Nagar, Advocate with
appellant no. 2 in person (Mobile No.
9810368562).

versus

SUNIL KUMAR AGGARWAL

..... Respondent

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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02.11.2018

CAVEAT No. 1013/2018

1. No one appears for the caveator, the caveat stands discharged.

C.M. Appl. No. 46096/2018 (for exemption)

2. Exemption allowed, subject to just exceptions.

C.M. stands disposed of.

C.M. Appl. No. 46095/2018 (for delay)

3. For the reasons stated in the application the delay of 30 days in
re-filing the appeal stands condoned, subject to just exceptions.

C.M. stands disposed of.

RFA 908/2018 and C.M. Appl. No. 46094/2018 (for stay)

4. After arguing the appeal counsel for the appellant has taken

RFA 908/2018

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instructions from the appellant no. 2 who is present in person that the appeal be disposed of as not pressed but the appellants be granted one year's time to vacate the suit property. A period of one year is claimed because it is not as if the appellants are trespassers or tenants but the respondent/plaintiff is the son of the real sister of the appellant no. 1 and the appellants have been living in the suit property since the year 1965.

5. Accordingly, while disposing of the appeal as not pressed appellants are granted time to vacate the suit premises on or before 30.11.2019 subject to the appellants filing undertakings in this Court within a period of two weeks to vacate the suit premises on or before 30.11.2019 and also to continue to pay in the meanwhile all charges towards electricity, water, etc as payable for the suit premises.

6. Subject to the appellants filing the aforesaid undertaking and complying with the terms of the same the appellants are granted time to vacate the suit premises on or before 30.11.2019.

7. Since this order of granting time is passed on the very first dated of hearing without notice to the respondent, respondent if aggrieved with respect to grant of time can approach this Court, but it is noted that in case notice would have been issued in this appeal and this appeal would have been heard in Regular Matters it would have taken 10 to 15 years to hear the appeal.

8. The appeal is accordingly disposed of.

VALMIKI J. MEHTA, J

NOVEMBER 02, 2018/AK