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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 115/2021, CM APPL. 6925/2021 , CM APPL. 67549/2024 &**
CM APPL. 6923/2021

VIMI BHATIA & ANR.

.....Appellants

Through: Mr. Kunal Mittal, Advocate.

versus

YOGESH BHTIA

.....Respondent

Through: Mr. Rohit Oberoi, Advocate.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

18.12.2024

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[Physical Hearing/Hybrid Hearing (as per request)]

1. It is informed that costs imposed on last date stands paid.
2. In furtherance of last two orders, learned counsel for appellants expresses that appellants are ready to vacate the subject premises but as regards the time required by them, he needs to take further instructions. The respondent present in court is agreeable to grant four months to the appellants to vacate.
3. As requested by counsel for appellants, matter is passed over.

GIRISH KATHPALIA, J

DECEMBER 18, 2024/ry

4. In this call, learned counsel for appellants has returned with



instructions of his clients. On instructions of his clients, learned counsel for appellants seeks permission to withdraw this appeal with the request for protection against execution of the impugned decree for a period of four months. It is specifically stated by learned counsel for appellants that appellants undertake to vacate the subject property on or before 18.04.2025. Learned counsel for respondent on instructions of his client present in court does not object to protecting the appellants till 18.04.2025 and also undertakes that the respondent shall not claim any mesne profits if the appellants vacate the subject property on or before 18.04.2025.

5. Accordingly, the appeal and pending applications are dismissed as withdrawn with the directions that operation of the impugned judgment and decree shall remain stayed till 18.04.2025 and the respondent shall not claim any mesne profits till that day. However, if the appellants do not vacate the subject property on or before 18.04.2025, the respondent shall be at liberty to carry out execution of the impugned decree and shall also be at liberty to claim complete mesne profits for the entire period, including the period till 18.04.2025.

GIRISH KATHPALIA, J

DECEMBER 18, 2024/ry

Click here to check corrigendum, if any