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

+ **RFA(COMM) 154/2024 & CM APPL. 25189/2024, CM APPL. 25190/2024**

MS KNEWTON ACADEMY SOFTECH
SOLUTION PVT LTD & ANR.

..... APPELLANTS

Through: Mr Dinesh Kumar, Advocate.

versus

DHARAMVIR SINGH & ORS.

..... RESPONDENTS

Through: Ms Smita Maan, Mr Aditya Singh and
Mr Kartik Dabas, Advocates for R-1
to R-3.

Mr Divyam Nandrajog with Mr
Surbhi Soni, Advocates for R-4.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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30.04.2024

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

CM APPL. 25191/2024 & CM APPL. 25192/2024

1. Allowed, subject to just exceptions.

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2. After some arguments, Mr Dinesh Kumar, learned counsel, who appears on behalf of the appellant, says that he would like to withdraw the appeal with a caveat that time be granted for vacating the suit property.

3. It is Mr Kumar's submission that since the appellant is running a coaching centre, it would require time to vacate the suit property. Mr Kumar submits that the appellant will vacate the suit property by 15.07.2024.

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4. Ms Smita Maan, learned counsel, who appears on behalf of respondents no.1 to 3 says that the said respondents would have no objection if the appellant is granted time till 15.07.2024 for handing over vacant and peaceful possession of the suit property.

4.1. The statement of the Ms Maan is taken on record.

5. The appellants will file an affidavit within one (1) week from today which will, *inter alia*, state that they undertake to this Court that the suit property will be vacated on or before 15.07.2024.

5.1. A copy of the affidavit will be furnished to Ms Maan.

6. Furthermore, we may indicate that Mr Kumar did state, in the course of the proceedings, that he would like to move the trial Court for framing an additional issue as one of the defences put forward by the appellants is that they had entered into an oral agreement to sell with the private respondents i.e., respondents no. 1 to 3.

6.1. If such an application is moved, the trial Court will consider the same in accordance with the law, *albeit*, after hearing the contesting parties.

7. The appeal is disposed of in the aforesaid terms.

8. Pending applications shall also stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

APRIL 30, 2024/rt

Click here to check corrigendum, if any