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

+ **RC.REV. 186/2023**

RAJENDER KUMAR

..... Petitioner

Through: Mr Parimal Kumar, Adv.

versus

ASHOK KUMAR

..... Respondent

Through: Mr Abhishek Kumar and Mr. Sumit Kashyap, Advs.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

28.02.2024

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

CM APPL. 35039/2023 (stay)

1. I have partly heard learned counsel for both sides. The impugned eviction order was passed as the present petitioner did not even file leave to contest application. It is contended on behalf of petitioner that the summons in the prescribed format were not properly served on him insofar as the same were served through his sister-in-law. According to both sides, the present petitioner and his sister-in-law are joint tenants.
2. After part submissions learned counsel for petitioner seeks a pass over to obtain instructions of his client.
3. As requested be awaited.

GIRISH KATHPALIA, J

FEBRUARY 28, 2024/ry



4. In this post-lunch session learned counsel for petitioner has returned with instructions of his client to seek two months from today to vacate the subject premises. The request is acceptable to learned counsel for respondent.
5. Under these circumstances, as requested by learned counsel for petitioner, this petition is dismissed as withdrawn with the direction that the present petitioner shall not be evicted from the subject premises on or before 01.05.2024 but in case the petitioner does not vacate by 01.05.2024, the warrants of possession shall be executed.
6. For compliance *dasti* copy of this order be given to both sides.

GIRISH KATHPALIA, J

FEBRUARY 28, 2024/rk

[Click here to check corrigendum, if any](#)