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

+ **RFA 37/2024**

GAGAN LEKHRA & ANR.

.....Appellants

Through: None

versus

RAJU SONI & ANR.

.....Respondents

Through: Mr. Ranjan Kumar Rai, Adv.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

27.08.2024

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RFA 37/2024 & CM APPL. 2607/2024 [Stay]

1. Learned Counsel for the Respondents stated that pursuant to the execution filed by the Respondent, vacant and peaceful possession of the suit property was taken over from the Appellant on 27.01.2024.
2. This Court had by its order dated 14.08.2024 directed as follows:

1. Learned Counsel for the Respondents submits that pursuant to execution filed by the Respondents, vacant and peaceful possession of the suit property was taken over from the Appellants on 27.01.2024. He seeks to rely upon order dated 16.02.2024 passed by ADJ-03, South-West, Dwarka, New Delhi which has been filed by him along with the Reply. The relevant extract of the said order reads as follows:

“...It is submitted by Id. Counsel for DH that the DH has already received the vacant and peaceful possession of the suit property from the JD and no claim remains. Hence, the DH wishes to withdraw the present execution petition. Statement of Ld. Counsel for DH has been recorded in which he stated that DH may



be allowed to withdraw the present execution petition as satisfied. In view of the submissions of ld. Counsel for DH well as statement made, present execution petition is hereby dismissed as withdrawn being satisfied....”

2. *Learned Counsel for the Respondents submits that since the decree stands satisfied, the Execution Petition has also been withdrawn by him.*

3. *None appears for the Appellants.*

3. None appears for the Appellant. There was no appearance on the last date as well.

4. Accordingly, the Appeal is dismissed in default and for non-prosecution.

TARA VITASTA GANJU, J

AUGUST 27, 2024/tp

Click here to check corrigendum, if any