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

+ **CM APPL. 75435/2024 in**
RFA 51/2024

SHARIF ARIF

.....Appellant

Through: Mr. Tanvir Khan, Advocate along
with appellant in person

versus

RAKESH KUMAR DESWAL

.....Respondent

Through: Mr. Mayur Singhal, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **23.12.2024**

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

CM APPL. 75435/2024 (early hearing)

1. The appellant has filed this application seeking preponement of hearing. The application is not opposed by counsel for respondent. The application is allowed and hearing dated 02.05.2025 is preponed to this date.

RFA 51/2024

2. The appellant has assailed judgment and decree passed under Order XII Rule 6 CPC, thereby directing restoration of possession of the tenanted premises to the respondent. On instructions of his client present in the court room, learned counsel for appellant seeks permission to withdraw this appeal with protection from execution of the impugned decree for a period of three months. The appellant undertakes to vacate the subject property on or before 23.03.2025. Learned counsel for respondent on instructions submits that respondent has no objection if the appellant is protected from



execution for three months.

3. However, both sides submit that as regards arrears of rent and mesne profits, the suit is already pending before the trial court and is now listed on 21.01.2025. To that extent, the suit may continue.

4. In view of above discussions, the appeal and the pending applications are dismissed as withdrawn with the directions that till 23.03.2025, the impugned decree shall not be executed, but if the appellant does not vacate the subject property by 23.03.2025, execution of the impugned decree shall be carried out.

GIRISH KATHPALIA, J

DECEMBER 23, 2024/rk

Click here to check corrigendum, if any