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

+ **CM APPL. 65123/2024 & CM APPL. 65124/2024 in**
RFA 645/2024

ABHAY VOHRA

.....Appellant

Through: Ms. Shikha Sagar, Advocate

versus

SADHNA GOYAL

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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07.11.2024

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

CM APPL. 65124/2024 (exemption)

1. Allowed, subject to all just exceptions

CM APPL. 65123/2024 (early hearing)

2. For the reasons mentioned therein, the application is allowed and hearing is preponed to this day. The date of 02.12.2024 fixed earlier stands cancelled.

RFA 645/2024

3. The appellant has assailed judgment and decree of the learned Trial Court under Order XII Rule 6 CPC, thereby directing restoration of possession of the tenanted property to the present respondent landlord. By way of the impugned judgment, the learned Trial Court also dismissed the application of the present appellant under Section 10 CPC. The power under Order XII Rule 6 CPC was invoked by the learned Trial Court in view of



clear admission of all three necessary ingredients, viz. admission of relationship of tenancy between the parties, rate of rent being above the statutory protection of the Delhi Rent Control Act and service of quit notice.

4. After addressing partly, learned counsel for appellant on instructions of her client seeks permission to withdraw this appeal with protection against the impugned judgment and decree for a period of only two months from today.

5. Considering these circumstances, the appeal is dismissed as withdrawn, making it clear that operation of impugned judgment and decree shall remain stayed till 07.01.2025 and the appellant shall vacate the subject property on or before 07.01.2025. But it is also made clear that if the appellant does not vacate the subject property by 07.01.2025, the respondent shall be at liberty to proceed with execution of the impugned judgment and decree.

6. A copy of this order be sent to the learned Trial Court for information.

GIRISH KATHPALIA, J

NOVEMBER 7, 2024/as

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