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

+ **RFA 707/2024**

KISHOR KUMAR

.....Appellant

Through: Mr. Yoginder Singh, Advocate

versus

KISHAN AGGARWAL

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

15.10.2024

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

CM APPL. 60410/2024 (exemption)

1. Allowed, subject to all just exceptions.

RFA 707/2024, CM APPL. 60411/2024 (additional documents) & CM

APPL. 60409/2024 (stay)

2. The appellant/tenant has assailed the judgment and decree passed by the learned trial court under Order XII Rule 6 CPC whereby the suit was partially decreed for relief of possession of the tenanted premises, leaving the reliefs qua arrears of rent and mesne profits subject to full dress trial. Admittedly, in the pleadings, the appellant admitted the jural relationship of tenancy between the parties, the rate of rent being beyond the statutory protection of rent control legislation and expiry of tenancy with efflux of time.



3. After addressing partly, learned counsel for appellant on instructions of his client present in the court room seeks permission to withdraw this appeal with protection from execution of the impugned decree till 15.12.2024. The appellant present in court room undertakes to vacate the subject premises on or before 15.12.2024.
4. Under these circumstances, the appeal and the accompanying applications are dismissed as withdrawn with the direction that operation of the impugned judgment and decree shall remain stayed till 15.12.2024, but if the appellants do not vacate the subject property by 15.12.2024, the respondent shall be at liberty to seek execution of the impugned decree.
5. A copy of this order be sent to the trial court for information.

GIRISH KATHPALIA, J

OCTOBER 15, 2024/as

Click here to check corrigendum, if any