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

+ **RFA 722/2024**

HARPREET

.....Appellant

Through: Mr. Bhuvenshwar Tyagi, Advocate

versus

ANIL SAHAWNWY

.....Respondent

Through: Appearance not given

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

18.10.2024

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

CM APPL. 61404/2024 (exemption)

1. Allowed, subject to just exceptions.

RFA 722/2024, CM APPL. 61405/2024 (for extension of time to deposit the court fee), CM APPL. 61407/2024 & CM APPL. 61406/2024 (under Order XX Rule 6-A CPC)

2. The appellant has assailed judgment and decree of recovery of possession of the tenanted premises, which was passed under Order XII Rule 6 CPC after defence of the appellant was struck off under Order XVA CPC. After addressing partly, learned counsel for appellant on instructions of his client seeks permission to withdraw this appeal with protection from execution till 28.10.2024.

3. Learned counsel for respondent who has appeared on advance intimation lodges strong protest that the appellant did not disclose having extended multiple assurances to the execution court on same grounds but



having not adhered to the same. However, keeping in mind that appellant seeks to withdraw this appeal, counsel for respondent on instructions of his client is not averse to grant of protection to the appellant till 28.10.2024. Learned counsel for respondent has also disclosed that in the execution proceedings, bailiff has been appointed today itself.

4. Considering the above circumstances, the present appeal and the pending applications are dismissed as withdrawn with liberty to the appellant to institute appropriate legal proceedings for restoration of defence. It is further directed that as assured, the appellant shall vacate the subject property on or before 28.10.2024 and handover possession thereof to the respondent, but in case possession of the subject property is not restored by the appellant to the respondent, the latter may continue with the execution proceedings in which bailiff has already been appointed.

GIRISH KATHPALIA, J

OCTOBER 18, 2024/as

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