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

+ **RFA 727/2024**

MANGE LAL CHAUDHARYAppellant

Through: Mr. Neeraj Dahiya, Advocate

versus

SUMAN LATA & ANR.Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

21.10.2024

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

CM APPL. 61475/2024 (exemption)

1. Allowed, subject to just exceptions.

RFA 727/2024, CM APPL. 61474/2024 (delay of 09 days in filing) & CM APPL. 61473/2024 (stay)

2. Although the delay in filing this appeal is for a period of about 40 days, the application mentions only 09 days.

3. Further, on merits the appellant has assailed the judgment and decree passed by the learned Trial Court under Order XII Rule 6 CPC for possession of tenanted property. The only defence of the appellant is that there was a loan agreement between the parties under which the appellant gave Rs. 10,00,000/- to the respondents with the understanding that no rent would be required to be paid. The trial as regards financial reliefs is pending.

4. After addressing partly, learned counsel for appellant who is



accompanied with wife of appellant seeks a pass-over to obtain telephonic instructions of appellant to withdraw this appeal with protection from eviction for a period of two months as the appellant is currently bedridden.

5. As requested, matter is passed-over.

GIRISH KATHPALIA, J

OCTOBER 21, 2024/rk

6. In this call, learned counsel for appellant has again appeared with wife of the appellant and submits that as instructed by the appellant, he may be permitted to withdraw this appeal with protection from eviction for a period of two months. On instructions of his client learned counsel for appellant undertakes that the subject property shall be vacated on or before 21.12.2024.

7. Under these circumstances, the appeal and the applications are dismissed as withdrawn with the directions that operation of the impugned judgment and decree shall remain stayed till 21.12.2024. However, it is made clear that in case the appellant does not vacate the subject property on or before 21.12.2024, the execution of the impugned decree shall be carried out in accordance with law.

8. A copy of this order be sent to the learned Trial Court as well as the respondents for intimation.

GIRISH KATHPALIA, J

OCTOBER 21, 2024/rk

Click here to check corrigendum, if any