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

+ **RFA 731/2024**

MANISH GUPTA

.....Appellant

Through: Mr. Mukesh Gupta and Mr. Raj
Kishor Garg Advocate with petitioner
in person

versus

VIJAY KUMAR JAIN

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **21.10.2024**

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

CM APPL. 61811/2024 (exemption)

1. Allowed, subject to just exceptions.

RFA 731/2024 & CM APPL. 61810/2024 (stay)

2. The appellant tenant has assailed order of recovery of possession of the tenanted premises which was passed on account of failure to pay rent. The learned counsel for appellant tenant tried to explain the default in payment of rent on the ground that the respondent landlord did not give access to the lift and also did not get the necessary repairs carried out. But admittedly, as regards financial reliefs, the suit remains pending.

3. After addressing at length, learned counsel for appellant tenant on instructions of his client present in court room seeks permission to withdraw this appeal and the applications, seeking to be protected from eviction for a



period of three months from today. The appellant tenant present in court undertakes to vacate the subject property on or before 21.01.2025.

4. Under these circumstances, as requested by the appellant tenant, the present appeal and the applications are dismissed as withdrawn with the directions that operation of the impugned order and decree shall remain stayed till 21.01.2025. But it is made clear that if the appellant tenant does not vacate the subject property by 21.01.2025, the respondent landlord shall be at liberty to seek execution of the impugned decree in accordance with law. It is also made clear that this order shall be without prejudice to the contentions of both sides raised before the Trial Court as regards financial reliefs.

5. A copy of this order be sent to the Trial Court.

GIRISH KATHPALIA, J

OCTOBER 21, 2024/as

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