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

+ **RFA 890/2024**

M/S GTL INFRASTRUCTURE LTD.

.....Appellant

Through: Mr. Swetank Shantanu, Advocate
versus

VIJAY K KOHLI

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **16.12.2024**

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

RFA 890/2024, CM APPL. 73660/2024 (exemption from filing complete Trial Court Record), CM APPL. 73658/2024 (condonation of delay of 54 days in filing), CM APPL. 73661/2024 (condonation of delay of 24 days in re-filing) & CM APPL. 73659/2024 (stay)

1. The appellant has assailed judgment and decree for recovery of possession of the immovable property with arrears of rent/mesne profits. The right to file written statement was closed, but that order was not challenged. Even as regards condonation of delay in filing the appeal, prima facie there is no satisfactory explanation of delay.
2. After addressing partly, learned counsel seeks passover to obtain instructions of his client.
3. Be awaited.

GIRISH KATHPALIA, J

DECEMBER 16, 2024/as

4. In this second call, learned counsel for appellant has appeared with clear instructions of his client. Learned counsel for appellant on instructions



of appellant seeks permission to withdraw this appeal with the request to be protected from execution of the impugned decree for a period of three months from today. Learned counsel for appellant also submits that there is a possibility that the parties may enter into fresh lease transaction, though that shall not be in continuation of the tenancy already terminated leading to the present case.

5. Considering the above circumstances, as requested by learned counsel for appellant, the appeal and the accompanying applications are dismissed as withdrawn with the direction that operation of the impugned judgment and decree shall remain stayed till 16.03.2025 but if the subject property is not vacated by that day, the respondent shall be at liberty to seek execution of the impugned decree. It is also made clear that even if the parties arrive at fresh agreement of tenancy, the same shall not be a ground for the appellant not to vacate the subject property by 16.03.2025.

6. A copy of this order be sent to the learned trial court.

GIRISH KATHPALIA, J

DECEMBER 16, 2024/rk

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