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

+ **RFA 893/2024**

SHRI VIBHU BHANDARI

.....Appellant

Through: Mr. Prashant Mehta and Mr. Varun  
Gupta, Advocate

versus

SHRI RAJINDER KUMAR BANGIA

.....Respondent

Through: Mr. K.K. Malviya, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**ORDER**

**16.12.2024**

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

**CM APPL. 73734/2024 (exemption)**

1. Allowed, subject to all just exceptions.

**RFA 893/2024, CM APPL. 73735/2024 (exemption from filing order dated 29.08.2024) & CM APPL. 73736/2024 (delay of 06 days in filing)**

2. The appellant has assailed the judgment and preliminary decree under Order XII Rule 6 CPC for recovery of possession of the tenanted premises. The resistance to the preliminary decree before the Trial Court was that the appellant had spent substantial money to make the tenanted premises habitable and that subsequent to expiry of the registered lease, parties entered into unregistered agreement for extension of tenancy but that subsequent agreement is in possession of the present respondent.



3. After addressing partly, learned counsel for appellant seeks passover to obtain instructions as to whether the appellant is agreeable to vacate the subject property within three months.
4. As requested, be awaited.

**GIRISH KATHPALIA, J**

**DECEMBER 16, 2024/as**

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5. In this second call, learned counsel for appellant has returned with instructions. On instructions of his client, learned counsel for appellant seeks permission to withdraw this appeal with the request for protection from execution for a period of three months. On instructions, learned counsel for appellant undertakes that appellant shall vacate the subject property on or before 16.03.2025.
6. Under these circumstances, the appeal and the accompanying applications are dismissed as withdrawn with the directions that the operation of the impugned judgment and decree shall remain stayed till 16.03.2025 but if by 16.03.2025 the appellant does not vacate the subject property, respondent shall be at liberty to get the impugned decree executed in accordance with law. Copy of this order be sent to the trial court.

**GIRISH KATHPALIA, J**

**DECEMBER 16, 2024/ry**

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