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

+ **RFA 160/2025**

SHRI LOVEKESH PAL

.....Appellant

Through: Mr Kamal Kant Jha and Mr. Avinash
Singh, Advocates

versus

SHRI VIJOY KUMAR RAI

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **18.02.2025**

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

CM APPL. 9885/2025 (exemption)

1. Allowed, subject to all just exceptions.

RFA 160/2025 & CM APPL. 9884/2025 (stay)

2. The appellant has assailed judgment and decree for recovery of possession of the tenanted property. The impugned judgment and decree was passed on the basis of admission and the issue of *mesne* profits is pending trial.

3. After addressing partly, learned counsel for appellant seeks a pass-over to obtain instructions as to whether the appellant is ready to withdraw this appeal so that he may be protected from execution for a period of reasonable time.

4. As requested, be awaited.

GIRISH KATHPALIA, J

FEBRUARY 18, 2025/tp



5. In this call, learned counsel for appellant has appeared with instructions of his client that he is agreeable to vacate the subject property within three months from today and the appeal may be withdrawn.
6. It is submitted by learned counsel for appellant that in the execution proceedings, bailiff is yet to be appointed.
7. On instructions of his client, learned counsel for appellant seeks permission to withdraw this appeal. Accordingly, the appeal and accompanying applications are dismissed as withdrawn with the direction that on or before 18.05.2025, the appellant shall handover vacant physical possession of the subject property to the respondent and till that day, execution proceedings shall remain stayed. However, it is made clear that if the appellant does not vacate the subject property on or before 18.05.2025, the execution proceedings shall continue in accordance with law.
8. A copy of this order shall be served by learned counsel for appellant on the counsel for respondent within three days.

GIRISH KATHPALIA, J

FEBRUARY 18, 2025/rk

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