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

+ **RFA 229/2025**

RAJESH KUMAR SINGH

.....Appellant

Through: Mr. Anish Shrestha, Advocate

versus

VIPIN PANWAR & ORS.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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07.03.2025

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

CM APPL. 13783/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 13785/2025 (for condonation of delay of 277 days in re-filing), CM APPL. 13784/2025 (for additional evidence), CM APPL. 13782/2025 (stay)

2. The appellant has assailed *ex-parte* judgment and decree of recovery of possession of the tenanted property and mesne profits. It is submitted by learned counsel that application under Order IX Rule 13 CPC is pending and grounds taken in the application have also been reiterated in the present appeal. After addressing partly, learned counsel for appellant on instructions seeks permission to withdraw this appeal with liberty to pursue his application under Order IX Rule 13 CPC, which is already pending.

3. Accordingly, the appeal and accompanying applications are dismissed as withdrawn with liberty as sought. Learned trial court is requested to dispose of the application under Order IX Rule 13 CPC expeditiously. Of



course, after disposal of the said application, the applicant shall be at liberty to initiate fresh proceedings, if so advised.

MARCH 7, 2025/tp

GIRISH KATHPALIA, J

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