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

+ **RFA 236/2025**

FIROZ KHAN THR. SPA

.....Appellant

Through: Mr. Ankit Attree, Advocate

versus

M/S BHATIA INVESTMENT

.....Respondent

Through: Mr. Parveen Uppal, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **10.03.2025**

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

CM APPL. 14352/2025 (exemption)

1. Allowed, subject to all just exceptions.

RFA 236/2025 & CM APPL. 14351/2025 (stay)

2. The appellant has assailed judgment and decree passed under Order XII Rule 6 CPC for recovery of possession of the tenanted property. The defence taken by the appellant before the trial court was that the present respondent had taken loan from the appellant. The issue of financial reliefs claimed by the present respondent is pending before the trial court.

3. Learned counsel for respondent appearing on advance intimation accepts notice.

4. After some discussions, learned counsel for appellant seeks pass-over to discuss the issue with the appellant present in court room.

5. As requested, be awaited.

GIRISH KATHPALIA, J



Presence:

Mr. Ankit Attree, Advocate for appellant

Mr. Parveen Uppal, Advocate for respondent

6. In this call, learned counsel for appellant has appeared with the appellant. Learned counsel for respondent is also present in court.

7. On instructions of the appellant, learned counsel for appellant seeks permission to withdraw this appeal, undertaking that the appellant would vacate the subject property on or before 10.07.2025 after handing over vacant possession thereof to the respondent. Learned counsel for respondent submits that he has already taken instructions of his client and shall not press for execution till 10.07.2025.

8. Accordingly, the appeal as well as pending applications are dismissed as withdrawn with the direction that operation of the impugned judgment and decree shall remain stayed till 10.07.2025. It is made clear that if by 10.07.2025, the appellant does not vacate the subject property and/or does not hand over possession thereof to the respondent, respondent shall be at liberty to seek execution of the impugned decree.

GIRISH KATHPALIA, J

MARCH 10, 2025/rk/tp

Click here to check corrigendum, if any