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

+ **CM APPL. 76612/2024 in**
RFA 367/2024

ANKITA @ RUBY

.....Appellant

Through: Mr. Dinesh Singh, Advocate.

versus

RAMESH DEVI & ANR.

.....Respondents

Through: Mr. Shalinder Dahiya, Advocate for
R-1.

Mr. Parmeet Kumar and Mr.
Kamaldeep Singh, Advocate for R2

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

07.01.2025

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

CM APPL. 76612/2024 (stay)

1. Steps for issuance of notice of this application to respondent no.1 were not taken but learned counsel has appeared on intimation and accepts notice. Learned counsel for respondent no.1 registers protest and rightly so. It appears that on 24.12.2024, when I was on leave, the matter came up before another bench which directed issuance of notice of this application to respondent no.1 through counsel and posted the matter to the date fixed i.e., 09.04.2025. After the hearing dated 24.12.2024 was over, counsel for appellant made a mentioning, explaining his failure to appear at the call of the case. The court directed counsel for appellant to call up the counsel for



respondent no.2 with the request to appear but learned counsel for appellant stated that nobody was responding to the phone call. In these circumstances, the learned court directed that till this day, appointment of Bailiff shall be kept in abeyance. Further, it was directed that the date of 20.01.2025 stands cancelled, though that date was never fixed.

2. As reflected from previous record, on the very first date the stay application was taken by the predecessor bench but no relief was granted as counsel for respondent no.1 strongly opposed the appeal as well as stay application and sought time to file reply.

3. In the above circumstances, it is made clear that the interim protection granted to the appellant vide order dated 24.12.2024 was till this day only and since that protection was granted in the absence of respondents, the same is not being extended.

4. For addressing arguments on this application, matter is passed over as it is almost lunch time.

GIRISH KATHPALIA, J

JANUARY 7, 2025/ry

Matter taken up after lunch.

5. In this post lunch session, learned counsel for appellant seeks Passover to obtain instructions as to whether the present appeal be withdrawn with protection from eviction till 30.04.2025.

6. As requested, be awaited.

GIRISH KATHPALIA, J

JANUARY 7, 2025/as



7. In this call, learned counsel for appellant on instructions of his client seeks permission to withdraw this appeal with the request to be protected from eviction till 30.04.2025, to which learned counsel for neither of the respondents is averse.

8. However, at request of both sides, it is clarified that the appellant is currently in possession of only two rooms on first floor according to her, though according to respondents, she is in possession of one room on ground floor also. The subject property is Plot No. 61, Khasra No. 262/174, Hari Park, Phase II, Mukundpur, Delhi.

9. On instructions of his client, learned counsel for appellant undertakes that the subject property shall be completely vacated by the appellant on or before 30.04.2025. On instructions of their clients, both learned counsel for respondents express that they shall not press for execution of the impugned decree till 30.04.2025.

10. Under these circumstances, the appeal and the pending application are dismissed as withdrawn with the direction that the operation of the impugned judgment and decree shall remain stayed till 30.04.2025, but if by that day the appellant does not vacate the subject property, the respondent no. 1 shall be at liberty to proceed further with the execution of the impugned decree.

11. Date of 09.04.2025 fixed earlier before Registrar stands cancelled.

GIRISH KATHPALIA, J

JANUARY 7, 2025/as

Click here to check corrigendum, if any