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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 516/2025, CM APPL. 34787/2025, CM APPL. 34788/2025 &
CM APPL. 34789/2025

DR. ARVIND GAUTAM

.....Appellant

Through: Ms. Malvika Trivedi, Mr. Vishal
Tewari, Mr. Abhimanyu Lall, Mr.
Abhishek Bhusan and Mr. Arvind
Chaurasia, Advocates

versus

RITA RIKH

.....Respondent

Through: Mr. Rohit Bansal, Advocate

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

04.06.2025

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1. This Regular First Appeal under Section 96 of the CPC, 1908 has been preferred by the appellant against the partial decree dated 18.02.2025 passed by the learned District Judge-01, South West District, Dwarka Courts, New Delhi in CS DJ ADJ 777/2023 whereby while allowing the application under Order XII Rule 6 of CPC, 1908, a decree of possession has been passed against the appellant.
2. Though this Court had issued notice in the appeal on 29.05.2025, the present appeal was listed before the Vacation Bench in view of the urgency of disposal of CM APPL. 34787/2025 whereby the applicant/appellant sought stay of the operation of the impugned decree.
3. After some arguments, Ms. Trivedi, learned senior counsel appearing for the appellant, on instructions, submits that the appellant would not press the appeal further in case the appellant is granted further three months time



to occupy the premises which is subject matter of the present appeal.

4. Learned counsel appearing for the respondent on instructions submits that the respondent has no objection in case the appellant is permitted to occupy the premises for a period of three months from today subject to payment of the occupation charges and also subject to filing of an undertaking before this Court. Additionally, learned counsel seeks permission to file an appropriate application before the Trial Court seeking arrears of rent which are payable according to him.

5. In view of the aforesaid statement given by Ms. Trivedi, this Court is of the considered opinion that the present appeal can be disposed of permitting the appellant to continue to be in occupation of the subject premises for a period of three months from today, subject to the applicant/appellant paying occupation charges at the rate of Rs.80,000/- per month for a period of next three months. The said payment shall be made before the 10th of every month. On the expiry of the three months period as granted, the appellant shall vacate the subject premises.

6. The respondent is permitted to file an appropriate application before the Trial Court seeking the arrears of rent, if any, which may be decided by the Trial Court on its own merits.

7. The appellant shall file an affidavit of undertaking in the aforementioned terms within one week from today.

8. The appeal along with pending application is disposed of in the above terms.

TUSHAR RAO GEDELA, J
(VACATION JUDGE)

JUNE 4, 2025/ms