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

+ **FAO 222/2025 & CM APPL. 49449-49451/2025**

VIBHU BHANDARI

.....Appellant

Through: Mr. Upamanyu Sharma, Mr. Parshat Singh, Advs.

versus

RAJINDER KUMAR BANGIA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

12.08.2025

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1. Appellant is defending a suit which seeks possession, arrears of rent, damages, *mesne profit* and mandatory injunction.
2. The grievance is with respect to order dated 28.05.2025 whereby the learned Trial Court has passed an order under Order XXXIX Rule 10 CPC.
3. The learned Trial Court recorded that as per pleadings, there was no dispute with respect to execution of a lease deed between the parties as also regarding rate of rent and the fact that the rent has not been paid since January, 2022.
4. It was in the abovesaid premise, that, an order has been passed directing the appellant herein to pay rent @ Rs.23,100/- per month from January, 2022 onwards till the date of handing over the possession of suit property within one month.

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5. The possession has already been handed over to the plaintiff.
6. It is also pertinent to mention that a *decree of possession* has already been passed against the appellant herein by learned Trial Court on 29.08.2024.
7. Since such decree is under challenge, it will not be appropriate for this Court to interfere with the order, unless and until such decree is set aside.
8. Learned counsel for appellant, faced with the abovesaid peculiar position, submits that he does not press the present petition at the moment. However, he also seeks liberty to revive the present appeal in case the abovesaid decree dated 29.08.2024 is, eventually, set aside. He supplements that his such statement is also without prejudice to the rights and contentions of the appellant which he has taken in his *Regular First Appeal*.
9. In view of above, the present petition alongwith pending applications is dismissed as not pressed. The permission to revive the present appeal is also granted in aforesaid terms.

MANOJ JAIN, J

AUGUST 12, 2025/ck