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

+ **RFA 26/2025**

R K GLOBAL IMPEX LTD AND ANR & ANR.Appellants

Through: **Mr. Naman Joshi, Ms. Ritika Vohra
and Mr. V. Jain, Advocates**

versus

SH SANDEEP SETHRespondent

Through: **Mr. Ashish Rana, Advocate**

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

13.01.2025

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

CM APPL. 1720/2025 (exemption)

1. Allowed, subject to all just exceptions.

RFA 26/2025, CM APPL. 1721/2025 (exemption from filing certified copy of the impugned decree) & CM APPL. 1722/2025 (for interim directions)

2. The appellants have assailed judgment and decree under Order XII Rule 6 CPC for possession of the tenanted property. The suit as regards monetary reliefs continues before the trial court.

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

4. Learned counsel for appellants, at the outset submits that he does not seek any stay on operation of the impugned judgment and decree since the impugned decree qua recovery of possession of the tenanted premises



already stands executed and possession of the subject premises stands restored to the respondent. Learned counsel for respondent affirms the restoration of possession.

5. After addressing partly, learned counsel for appellants seeks permission to withdraw this appeal with liberty to raise all issues pertaining to the payment of rent before the trial court in the pending suit. Learned counsel for appellants submits that paragraphs 19, 20 and 25 of impugned judgment are in the nature of findings qua the alleged non payment of rent. Learned counsel for respondent submits that the appellants are always at liberty to press their case before the trial court.

6. In my considered view, paragraphs 19, 20 and 25 of the impugned judgment do not record findings of facts insofar as the impugned judgment has to be confined only to the admitted pleadings.

7. As requested, the appeal and the pending applications are dismissed as withdrawn, making it clear that the paragraphs 19, 20 and 25 shall have no bearing on the issue of entitlement and quantum of monetary relief pending before the trial court in the suit.

GIRISH KATHPALIA, J

JANUARY 13, 2025/rk

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