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

+ RFA 259/2023, CM APPL. 15712/2023 (stay)

ASHWANI BAJAJ THROUGH LR SEEMA BAJAJ.....Appellant

Through: Mr. Rahul Kumar and Mr. Mantosh  
Kumar, Advocates.

versus

SUSHIL SACHDEVA & ANR. ....Respondents

Through: Mr. Ankur Chaudhary, Ms. Sabia  
Malik, Mr. Vaibhav Sharma and Mr.  
Milan Garg, Advocates.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

% **15.04.2026**

**RFA 259/2023**

1. Regular First Appeal under Section 96 read with Order XLI Rule 1 of the Code of Civil Procedure, 1908 (*hereinafter referred to as 'CPC'*) has been filed on behalf of the Appellant against the Judgment and decree dated 05.07.2022 whereby a Decree for Possession, has been passed against the Appellant/tenant in respect of the Suit Premises i.e. A-21/11, Naraina Industrial Area, Phase-II, New Delhi.
2. The Appellant submits that he had vacated the Property on 15.03.2020 pursuant to his undertaking given in the Court on 12.02.2020. The Appellant had removed his machinery but the Respondent/landlord refused to take the possession on the ground that the electricity bills and the rent of March, 2020, be first cleared.
3. Learned counsel for the Appellant submits that since the Respondents



were not willing to take with the possession, he had removed all his belongings and vacated the premises on 15.03.2020.

4. Learned counsel for the Respondents/landlord has disputed this fact.

5. The present challenge is to the decree dated 05.07.2022, which is in respect of the possession. The Appellant is not contesting the decree of possession except that there is a dispute of whether the Property got vacated on 15.03.2020 or it was taken by the landlord/Respondent, through execution from the Court. The controversy opened when the premises was vacated is significant, relevant for the purpose of calculation of Mesne Profits, Arrears of Rent etc.

6. Both the parties are at liberty to lead their evidence in this regard before the learned Trial Court where the matter is still pending. It is further observed that there is no observation in the Impugned Order in regard to the date of vacating the Property. It is merely in respect of the possession, which has admittedly been received by the landlords.

7. The Appeal is disposed of accordingly. The pending Application also stands disposed of.

**NEENA BANSAL KRISHNA, J**

**APRIL 15, 2026/RS**