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

+ RFA 11/2026, CM APPL. 472/2026 (stay), CM APPL. 474/2026

DEEPAK BALHARA

.....Appellant

Through: Ms. Jyoti Tyagi, Mr. Sachin Garg and
Mr. Deepak Balhara, Advocates.

versus

GULZARI LAL (BHALLA) & ANR.

.....Respondents

Through: Ms. Kritika Gupta, Advocate with
Respondent.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

06.01.2026

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CAV 4/2026

1. Caveat stands discharged as learned counsel for the Respondents, has appeared.

CM APPL. 473/2026 (Exemption)

2. Exemption allowed, subject to all just exceptions.

3. The Application stands disposed of.

CM APPL.475/2026 (delay in re-filing)

4. Application under Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') has been filed on behalf of the Appellant for condonation of delay of 20 days in re-filing the accompanying Regular First Appeal.

5. For the reasons stated in the Application, the delay of 20 days in re-filing the accompanying Regular First Appeal, is condoned.



6. The Application is allowed and disposed of accordingly.

RFA 11/2026

7. Regular First Appeal under Section 96 of CPC read with Section 151 CPC, has been filed on behalf of the Appellant against the Decree/Judgment dated 31.10.2025 *vide* which the decree of possession has been passed against the Appellant under Order XII Rule 6 CPC *vide* Judgment dated 31.10.2025.

8. Learned counsel for the Appellant submits that the Appeal is not being contested on merits and time be given to the Appellant till 31.03.2026 to vacate the premises on account of the Xth Board Examination of his son.

9. Learned counsel for the Respondent has appeared on advance Notice. It is submitted that such undertaking has been given by the Appellant, on earlier occasions but has not been abided by him. Even the matter was pending in the Mediation Centre for three months despite which, no Settlement could be arrived. It is submitted that the undertaking of the Appellant, may not be honoured. It is further submitted that the present Regular First Appeal is without prejudice to the rights of the landlord/Respondent, to claim damages.

10. The Appellant also submits that he has paid up-to-date rent but in case, there is anything deficient, he undertakes to clear the same as well, before 31.03.2026.

Submissions heard and the record perused.

11. Considering that the Appellant is seeking to vacate the premises by 31.03.2026, the Regular First Appeal is disposed of with the direction that he shall hand over the possession on 31.03.2026 failing which, the Respondent is at liberty to continue with the Execution.



12. The Appellant is hereby directed to file an Affidavit of undertaking before the learned Trial Court, within seven days. The Appellant also undertakes to hand over the keys of the vacant Suit property to the Respondent on 01.04.2026.

13. The Regular First Appeal is disposed of accordingly. The pending Applications also stand disposed of.

NEENA BANSAL KRISHNA, J

JANUARY 6, 2026/RS