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

+ RFA 358/2012

OM PRAKASH SAINI

.....Appellant

Through: Mr. Arvind Chaudhary, Adv. through
Vc.

versus

VP TYAGI

.....Respondent

Through: Mr. Manish Sangwan, Mr. Anshul
Kumar, Mr. Vedant Srivastava, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

19.05.2026

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1. This hearing has been done through hybrid mode.
2. The present appeal under Section 96 read with Order XLI Rule 1 of the CPC seeks the following prayers: -

“In view of the aforesaid facts and circumstances it is most respectfully prayed that this Hon'ble Court may be pleased to set aside the impugned judgement and decree dated 16.04.2012 passed by Sh. Sanjeev Aggarwal, Ld. ADJ (Central-03), Delhi in Civil Suits bearing nos. CS No. 1128/2008 titled "V. P. Tyagi vs. Om Prakash Saini and CS No. 1129/2008 titled "Om Prakash Saini vs. V. P. Tyagi"; and

It is further prayed that this Hon'ble Court may be pleased to pass a decree of possession in favour of the appellant and against the respondent thereby directing the respondent his agents, servants, associates, nominees etc. to vacate and handover the peaceful vacant possession to the appellant of the property bearing no. WZ-14A, measuring 222 sq. yards out of Khasra No. 29/7/1/2 situated in the area of Village Budhella, Vikaspuri, New Delhi; and

It is further prayed that this Hon'ble Court may be pleased to pass



a decree of mesne profit/damages in favour of the appellant and against the respondent @ 10,000/- (Rupees ten thousand only) per month from the date of filing of the suit before the Ld. Trial Court till the peaceful vacant possession of the property is handed over to the appellant, and

Pass such other or further order(s) this Hon'ble Court deem fit and proper in the facts and circumstance of the present case.”

3. Learned counsel appearing on behalf of the appellant seeks leave to withdraw the present appeal with liberty to initiate appropriate proceedings, as available in law, before the Court of competent jurisdiction.
4. Leave and liberty granted.
5. The present appeal is dismissed as withdrawn and disposed of.
6. Pending application(s), if any, also stand disposed of.
7. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

MAY 19, 2026/kr