



\$~31

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 377/2024**

INDRA DEV SINGH Appellant
Through: Ms.Puja Mann and Ms.Usha Devi,
Advocates

versus

PROMILA SHARMA Respondent
Through: Mr.Rajat Aneja and Ms.Garima
Saxena, Advocates

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

% **ORDER**
30.05.2024

CM APPL. 33848/2024 (Delay in re-filing)

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 for condonation of delay in re-filing the instant appeal.
2. For the reason stated in the application, the delay of 29 days in re-filing the appeal is condoned.
3. The application is disposed of.

RFA 377/2024 & CM APPL. 33849/2024 (Stay)

1. The instant regular first appeal under Section 96 of the Code of Civil Procedure, 1908 has been filed on behalf of appellant seeking the following reliefs:-

"A. Call for the record of the trial court and after perusal of material on record may be pleased to;
B. Set aside impugned judgment and Decree dated 19/01/2024; passed in Civil Suit no.: CS DJ ADJ 1223/22; Titled as "Promila Sharma vs. Indra Dev Singh" by the court of Shri Aman Pratap Singh, Addl. District Judge-01, South West,



Dwarka Courts; whereby the application under Order XII Rule 6 CPC was allowed and disposed off and the preliminary decree was passed in favor of Respondent/Plaintiff and against the Appellant/Defendant;

C. Allow the appeal;

D. Grant to the costs throughout to the appellant; and

E. Grant any other relief which this Hon'ble court may deem fit and proper in the circumstances of the case may also kindly be granted for which the appellant shall ever be grateful,"

2. Heard.

3. Issue notice. Notice is accepted by learned counsel appearing on behalf of the respondent. He vehemently opposed the application seeking stay and prayed for some time to file reply.

4. Let reply to the application seeking stay be filed within two weeks. Rejoinder, thereto if any, be filed within two weeks thereafter.

5. At this juncture, learned counsel appearing on behalf of appellant, on instructions, undertakes that the appellant shall vacate the suit premises within a month from today i.e. on or before 2nd July, 2024.

6. In view of the undertaking given by learned counsel for the appellant, the appellant is directed to file an undertaking stating therein the aforesaid factum to vacate the suit premises within a month from today i.e. on or before 2nd July, 2024. It is also directed that a compliance affidavit in this regard shall also be filed before the next date of hearing.

7. List on 10th July, 2024.

CHANDRA DHARI SINGH, J

MAY 30, 2024

dy/av

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