



\$~18

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

+ **RFA 718/2023**

SHIV KUMAR

.....Appellant

Through: Mr. K.K. Koul, Advocate.

versus

SHRI ARJUN PRASAD & ORS.

.....Respondents

Through: Mr. Arun Kumar Tripathi, Advocate
for R-1 & R-2.

Mr. Ashok Kumar Tiwari, Advocate
for R-3.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

%

04.02.2025

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

CM APPL. 1274/2025 (early hearing of stay application)

1. The application stands disposed of since the matter is already listed today.

CM APPL. 3956/2025 (stay)

2. At the outset, learned counsel for appellant pressed his stay application. The appellant has assailed judgment and decree of recovery of possession of the immovable property and *mesne* profits. The present application seeks stay on operation of warrants of possession only. After addressing for more than half an hour, counsel for appellant admitted that on 01.02.2025, possession of the subject property already stands restored to respondents no.1&2 in execution. That being so, this application is disposed of as infructuous.



CM APPL. 75011/2024 (stay on operation of order dated 13.12.2024 passed in execution proceedings)

3. By order dated 13.12.2024, Execution Court issued warrants of possession. On being called upon to address on maintainability of such application, learned counsel for appellant seeks permission to withdraw this application. According, the application is dismissed as withdrawn.

CM APPL. 45698/2023 & CM APPL. 53811/2024

4. In view of above circumstances, learned counsel for appellant seeks to withdraw these applications as well. Both these applications are dismissed as withdrawn.

RFA 718/2023 & CM APPL. 3957/2025 (for additional evidence)

5. Relist on 25.08.2025.

6. At request of counsel for respondents, it is made clear that there is no stay on operation of the impugned judgment and decree.

GIRISH KATHPALIA, J

FEBRUARY 4, 2025/ry

Click here to check corrigendum, if any