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

+ **RFA 852/2025**

NATESH MALHOTRA

.....Appellant

Through: Counsel for appellant (*appearance
not given*)

versus

RAMESH KUMAR SETHI

.....Respondent

Through: Mr. Akash Nayar, Advocate.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **10.09.2025**

CM APPL. 56919-20/2025 (exemption)

1. Allowed, subject to all just exceptions.

**RFA 852/2025 & CM APPL. 56918/2025 (setting aside operation of
impugned order dated 20.05.2025)**

2. The appellant has assailed judgment and decree for recovery of possession of the immovable property, which was passed by *suo motu* invoking the provisions under Order XII Rule 6 CPC in the counter claim subsequent to framing of the issues.

3. The appeal has been assigned in this post lunch session (03:45pm) through Second Supplementary List.

4. Learned counsel for respondent in all fairness assures that till next date, the respondent shall not get the warrants of possession executed, so



that the appeal be heard at length by the roster bench.

5. In view of the said assurance, list before the roster bench on 18.09.2025. As requested by both sides, since the preliminary hearing is yet to be addressed, on the next date, this matter shall be listed in Supplementary List.

GIRISH KATHPALIA, J

SEPTEMBER 10, 2025/ry