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

+ **RFA 871/2024**

ASHUTOSH DWIVEDI

.....Appellant

Through: Mr. Dushyant Yadav, Advocate.

versus

BOBY TYAGI

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **12.12.2024**

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

CM APPL. 72816/2024 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 72815/2024 (seeking leave to file the appeal)

2. Learned counsel for appellant seeks permission to withdraw this application as it was filed due to inadvertence. The application is dismissed as withdrawn.

CM APPL. 72813/2024 (additional evidence), CM APPL. 72814/2024 (stay) and RFA 871/2024

3. The appellant has assailed decree of mandatory injunction thereby directing him to vacate the subject property and hand over vacant possession thereof to the present respondent. Broadly speaking, both sides claimed ownership over of the subject property. But the appellant neither cross examined any of the witnesses of the respondent nor stepped into the



witness box to prove his documents of title. In that regard paragraph 12 of the impugned judgment bears the crux.

4. Subject to appellant taking steps within one week, notice through all modes be issued to the respondent returnable on 15.05.2025 before Registrar.

5. Learned counsel for appellant has pressed for stay on operation of the impugned judgment and decree but in view of above discussion, I do not find it a fit case to grant ex-parte stay.

GIRISH KATHPALIA, J

DECEMBER 12, 2024/ry

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