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

+ **RSA 217/2024 & CM APPL. 74524/2024**

HARPREET SINGH

.....Appellant

Through: Mr. Sandeep Sharma, Sr. Adv. with
Mr. R. K. Sahani, Mr. Sarthak
Mannan and Ms. Kanika Mitra, Advs.

versus

VIMAL KUMAR PATHAK

.....Respondent

Through: Mr. Rakesh Agarwal and Mr. Pulkit
Agarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **19.12.2024**

CM APPL. 74525/2024 (ex.)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Since the respondent is represented by Mr. Rakesh Agarwal, Advocate, the caveat stands discharged.
4. Caveat is disposed of accordingly.

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5. Heard learned senior counsel appearing for the appellant.
6. The instant appeal is preferred against the impugned judgment and decree dated 05.11.2024 passed in MCADJ No.18/2024, whereby, the judgment and decree passed by the Trial Court dated 14.08.2024 has been



affirmed.

7. Learned senior counsel appearing for the appellant submits that there was no unequivocal admission by the respondent-defendant in the written statement. He submits that the written statement earlier filed was amended in view of the application being allowed by the Trial Court. He, therefore, submits that if the pleadings made by the appellant-defendant are perused in the right perspective, the same would indicate that the Court below has gravely erred in reading the intent of the appellant.

8. The aforesaid contentions are strongly opposed by Mr. Rakesh Agarwal, learned counsel appearing for the respondent-plaintiff on caveat. He submits that in the instant case, there are concurrent findings of fact and no substantial question of law has arisen for adjudication in the instant appeal.

9. Having considered the submissions in brief, the Court is of the considered opinion that the record of the Courts below requires to be requisitioned, before determining the issue as to whether any substantial question of law arises in the instant appeal.

10. Let the same be immediately summoned in the digital record before the next date of hearing.

11. List this appeal for hearing on admission on 17.01.2025.

12. In the meantime, the parties are directed to maintain the *status quo*.

PURUSHAINDR KUMAR KAURAV, J
DECEMBER 19, 2024/p/sp