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IN THE HIGH COURT OF DELHI

Judgment reserved on : September 18, 2008

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Judgment delivered on : September 29, 2008

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CONT. CAS.(C) No.409/2008

PREMA SINHA & ORS.

..... Appellants

Through: Mr. Sachin Datta, Advocate

VERSUS

VINOD JAIN CHAIRMAN INMACS LTD.

..... Respondent

through: Mr. Vijay K.Jain, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MR. JUSTICE J.R. MIDHA

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the Reporter or not? Yes.
3. Whether judgment should be reported in Digest? Yes.

: PRADEEP NANDRAJOG, J.

1. The petitioners have alleged that the respondent has violated the order dated 1.4.2008 passed in RFA No.341/2007. The said order was passed in an application seeking an interim order; application being filed by the respondent who was the appellant in the appeal, praying that till disposal of the appeal the impugned judgment and decree ordering ejectment of the appellant in the

appeal be stayed.

2. The appellant was granted a stay upon a condition requiring the appellant to deposit use and occupation charges @ Rs.28,000/- per month from February 2007 up to March 2008 and thereafter @ Rs.40,000/- per month from April 2008.

3. The appeal has been disposed of by a judgment dated 26.9.2008. The appellant has been relieved of the obligation to pay the enhanced use and occupation charges as per the interim orders.

4. For the reasons recorded in the judgment and decree dated 26.9.2008 disposing of the appeal, relatable to the facts noted and conclusions arrived at relieving the appellant in the appeal to comply with the interim orders, we discharge the notice of contempt and dismiss the contempt petition. Needless to state as recorded in the judgment and decree disposing of the regular first appeal the petitioners herein would be entitled to file a civil suit to recover mesne profits after leading evidence for the period after the judgment and decree for ejectment was passed and till possession is handed over.

5. No costs.

PRADEEP NANDRAJOG, J.

J.R. MIDHA, J.

September 29, 2008
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