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

+ **FAO 193/2017**

ASHA JASUJA

..... Appellant

Through: Mr. P. Kumar, Advocate.

versus

TIKAM CHAND JAISWAL

..... Respondent

Through: Mr. K. Singhal, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **02.11.2017**

1. After arguments, this appeal is disposed of with the consent order, as counsel for the respondent has taken instructions from the respondent, that the respondent/defendant will pay to the appellant/plaintiff charges for use and occupation of the suit premises at Rs.40,000/- per month w.e.f March, 2016 and will continue to pay this amount of Rs.40,000/- per month to the appellant/plaintiff every month pendente lite. In case the amounts due for months of March, 2016 to May, 2016 are shown by the respondent/defendant to have been paid to the appellant/plaintiff through banking instruments which have been encashed, then, the respondent need not pay the amounts for the months of March, 2016 to May, 2016. Arrears

in terms of the present order be paid by the respondent/defendant to the appellant/plaintiff by 31.12.2017 failing which the respondent/defendant will be liable to pay interest @ 15% per annum simple on the arrears to the appellant/plaintiff with the fact that as a consequence of the non-payment the defence of the respondent/defendant, in accordance with law, will be liable to be struck off.

2. I may clarify that this order is only an interim order and is without prejudice to the rights and contentions of the parties in the suit.

3. Appeal is accordingly disposed of in terms of aforesaid consent order, leaving the parties to bear their own costs.

VALMIKI J. MEHTA, J

NOVEMBER 02, 2017

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