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

+ **CS(OS) 269/2010 and O.A. No.193/2015**

P P SINGH

..... Plaintiff

Through: **Mr. J.C. Mahindroo, Advocate.**

versus

MANGAL SAIN MITTAL & ORS

..... Defendants

Through: **Mr. Pawan Kumar Mittal, Advocate**
for defendant No.1.
Mr. Dinesh Garg, Advocate with Ms.
Rachna Aggarwal, Advocate for
defendant No.2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **16.05.2016**

1. At the stage of arguments on this O.A., in the peculiar facts of the present case, it is agreed that suit itself be disposed of and is accordingly disposed of with the following consent order:-

(i) Plaintiff is entitled to an ex gratia payment of Rs.3 lacs from the defendant no.1 without the same in at all any manner being reflection on merits of the case of the respective parties.

(ii) Since possession of the suit premises was taken from the plaintiff no.1 who was a tenant in the premises when certain goods of the plaintiff were

found in the premises, with respect to what was the value of such goods, evidence will be led by the plaintiff no.1 in the suit for mesne profits which is filed by the defendant no.1 pending against plaintiff no.1 and as per the evidence which is led by the respective parties on the amount with respect to the articles of the plaintiff no.1 being decreed for a particular amount, then, to the extent of such amount alongwith an amount of Rs.3 lacs, plaintiff no.1 will be entitled to adjustment from the money decree of mesne profits, if passed, in favour of the defendant no.1 herein and plaintiff no.1 in CS(OS) No.909/2007.

2. Nothing is observed in this case with respect to merits of the respective cases of the parties in CS(OS) No.909/2007.

3. Suit as against defendant no.2 is not pressed and disposed of accordingly.

VALMIKI J. MEHTA, J

MAY 16, 2016

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