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

+ RSA 133/2016

SUDHIR KUMAR SHARMA Appellant
Through: Mr. Sanjay Kumar, Advocate.

versus

SANJEEV Respondent
Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **05.08.2016**

C.M. No.18526/2016 (exemption)

1. Exemption allowed subject to just exceptions.

C.M. stands disposed of.

+ RSA No.133/2016 and C.M. No.18525/2016 (stay)

2. This Regular Second Appeal impugns the concurrent judgments of the courts below by which the suit of the respondent/plaintiff/landlord has been decreed against the appellant/defendant/tenant as regards the relief of possession. Suit has been decreed because premises have been found outside the operation of the Delhi Rent Control Act, 1958 because for a period of 10 years, a newly constructed property is exempted from the operation of the Delhi Rent

Control Act.

3. Counsel for the appellant argued this second appeal and the matter was thereafter passed over for the counsel for the appellant to take instructions. Counsel for the appellant has taken instructions and states that appeal is not pressed but the appellant be given time upto 30.6.2017 to vacate the suit premises and appellant will pay the use and occupation charges at the admitted rate of rent of Rs.2,600/- per month till the premises are vacated and will pay higher mesne profits, in case any higher mesne profits are granted by the trial court if on enquiry before the trial court, a decree is passed for higher rate of mesne profits. The appellant will also clear all the charges towards electricity and water with respect to the suit premises regularly till the appellant remains in possession of the suit premises.

4. Let the appellant/defendant file an undertaking in this Court within a period of two weeks from today in terms of the present order and on the appellant filing the undertaking and complying with the terms of the same, appellant will not be evicted from the suit premises in execution proceedings till 30.6.2017.

5. Appeal is accordingly disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

AUGUST 05, 2016
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