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

+ **RFA 825/2016**

VINOD KUMAR MALHOTRA Appellant
Through : Mr. Jaykant Prasad, Advocate with
appellant in person.

versus

VIRENDER PRAKASH ANAND Respondent
Through : Ms. Neha Garg, Advocate with
respondent in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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21.11.2016

CM No.38763/2016 (for condonation of delay in re-filing the appeal)

1. This application is filed by the appellant praying *inter alia* for condonation of delay of 16 days in re-filing the accompanying appeal.
2. For the reasons stated in the application, the same is allowed. The delay of 16 days in re-filing the accompanying appeal is condoned.
3. The application is disposed of.

CM No.38762/2016 (for condonation of delay)

1. This application is filed by the appellant praying *inter alia* for condonation of delay of 46 days in filing the accompanying appeal.
2. For the reasons stated in the application, the same is allowed. The delay of 46 days in filing the accompanying appeal is condoned.

3. The application is disposed of.

RFA 825/2016 & CM 38760/2016 (stay)

1. On the last date of hearing, counsel for the appellant had stated on instructions that the appellant does not wish to press the appeal on merits and instead seeks time to vacate the suit premises and ask for some concession on the money decree.

2. Counsel for the respondent enters appearance today and states on instructions that the respondent is ready and willing to extend the time upto 31.3.2017 for the appellant to vacate the suit premises on the condition that he continues to pay the use and occupation charges in respect thereof @ Rs.28,000/- p.m., as assessed in the impugned judgment and decree dated 18.4.2016. She further states that under the impugned judgment and decree, the appellant has been held liable to pay a sum of Rs.19,16,000/- towards the principal amount and the upto date interest calculated @ 12% p.a. as granted by the trial court comes to Rs.6,00,600/-. She further states that costs of Rs.13,707/- are also liable to be paid by the appellant.

3. It has been enquired from learned counsel for the appellant if his client is willing to pay the decretal amount in instalments and if he is agreeable to do so, then the interest factor can be reduced to a lower figure. The appellant, who is present in Court, outright refuses the said suggestion and instead, states that he is willing to vacate the suit premises right away.

4. In view of the aforesaid submission, the present appeal is disposed of with directions to the appellant to handover the vacant peaceful possession of the suit premises to the respondent on or before 30.11.2016. If the

appellant fails to do so on or before the aforesaid date, or does not pay the decretal amount then the respondent shall be entitled to seek execution of the impugned judgment and decree, in accordance with law.

NOVEMBER 21, 2016

sk/ap

HIMA KOHLI, J

