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

+ **RFA 851/2016 and CM APPL. 40426/2016**

BANK OF INDIA

..... Appellant

Through: Mr. Vipin Jain, Advocate with
Mr. Rahul Khanna, Dy. Zonal Manager of the
appellant in person.

versus

AJIT PAL SINGH BINDRA

..... Respondent

Through: Mr. Abhinav Dhingra, Advocate with
respondent in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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16.11.2016

1. This order is in continuation of the order dated 27.10.2016 on which date, it had been enquired from the counsels for the parties if the parties were ready and willing to negotiate on the use and occupation charges in respect of the suit premises w.e.f. 01.08.2015, till the same is vacated.
2. Pursuant to the aforesaid order, Mr. Rahul Khanna, Dy. Zonal Manager of the appellant/Bank and the respondent are present. Having interacted with the parties, it does not appear that they are in a position to arrive at a settlement with regard to the rate of the use and occupation charges in respect of the suit premises. As a result, the respondent is at liberty to pursue the suit with regard to the remaining relief of mesne profits/use and occupation charges before the trial court.
3. A for the present appeal, the appellant/Bank was directed to file an

affidavit within two weeks undertaking *inter alia* that it would vacate the suit premises on or before 30.04.2017 and in this duration, continue paying use and occupation charges in respect thereof, which would be accepted by the respondent without prejudice to his rights to pursue the suit pending in the trial court. The said affidavit has not been filed. Counsel for the appellant/Bank states that he may be granted one week's further time to file the affidavit. The affidavit shall be filed within one week with a copy to the other side.

4. In view of the consent order, the appeal is disposed of alongwith the pending application.

NOVEMBER 16, 2016
rkb/ap

HIMA KOHLI, J