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

+ RFA 908/2016 and CM APPL. 43617/2016

DELHI TOURISM & TRANSPORTATION DEVELOPMENT
CORPORATION LTD Appellant

Through: Mr. R.K.Dhawan, Advocate with
Ms. Richa Dhawan and Mr. V.K.Teng, Advocates

versus

CHANDER PRAKASH GUPTA Respondent

Through: Ms. Bharti Badesra, Advocate with
respondent in person.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% **07.12.2016**

1. This order is in continuation of the order dated 24.11.2016, on which date, it had been enquired from the counsel for the appellant if his clients are ready and willing to vacate the suit premises if granted some reasonable time.
2. Today, Mr. Dhawan, learned counsel for the appellant states on instructions that the appellant is ready and willing to vacate the suit premises if granted time upto 30.09.2017.
3. Counsel for the respondent, who appears on the basis of advance notice, states on instructions that extension sought by the appellant upto 30.09.2017, is too long and in any case, while passing the impugned judgment and decree dated 25.07.2016, the trial court had already granted a period of four months for them to vacate the suit premises.

4. After some negotiations between the parties, the appellant is granted one year reckoned from the end of July, 2016, the date of passing of the impugned judgment and decree, to hand over vacant peaceful possession of the suit premises to the respondent. In other words, the appellant shall vacate the suit premises on or before 31.07.2017 and hand over vacant peaceful possession thereof to the respondent. It is agreed that in this duration, the appellant shall continue paying the use and occupation charges in respect of the suit premises to the respondent @ 11.75% of the gross profit, as is already being paid. The costs imposed under the impugned judgment and decree shall be paid by the appellant to the respondent through counsel within four weeks from today.

5. The appellant shall file an affidavit undertaking inter alia that they shall hand over vacant peaceful possession of the suit premises to the respondent on or before 31.07.2017 and continue paying use and occupation charges at the rate recorded above, till the said date. Copy of the affidavit shall be furnished to the counsel for the respondent within two weeks.

6. The present appeal is disposed of alongwith the pending application in terms of the settlement recorded hereinabove. Parties are left to bear their own costs.

HIMA KOHLI, J

DECEMBER 07, 2016

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