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

+ RSA 413/2015 and C.M. No.28853/2015 (stay)

GHAYYUR HASAN

..... Appellant

Through: Mr. Mayank Rustagi, Advocate.

versus

BHOJ DUTT TYAGI

..... Respondent

Through: Mr. K.K. Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **29.07.2016**

1. This Regular Second Appeal is filed against the concurrent judgments of the courts below; of the trial court dated 1.4.2015 and the first appellate court dated 11.9.2015; by which the suit for possession and recovery of rent with mesne profits of the respondent/plaintiff/landlord has been decreed against the appellant/defendant.

2. Counsels for the parties have been heard and at the stage of dictation of judgment, counsel for the appellant as per instructions states that the appeal is not pressed on merits but appellant be given a period of nine months to vacate the suit premises. Appellant will also clear the arrears of rent and mesne profits which is agreed not at Rs.5,000/- per month w.e.f 1.6.2013, but, would be at Rs.4,000/- per month w.e.f 1.6.2013 and the rate

of rent for arrears period will also be at Rs.4,000/- per month. Appellant will also clear all charges towards electricity and water etc with respect to suit premises. Appellant will clear the arrears of rent as also mesne profits at Rs.4,000/- as per the judgments of the courts below within a period of eight weeks from today but so far as payments for the months from August, 2016 till vacation of the suit premises are concerned, the payment for every month will be paid by 15th of each month. This is acceptable to the respondent.

3. Accordingly, subject to the appellant filing an undertaking in this Court within two weeks from today in terms of the present order and complying with the same, appellant is allowed time to vacate the suit premises on or before 30.4.2017.

4. Appeal is disposed of in terms of aforesaid observations.

VALMIKI J. MEHTA, J

JULY 29, 2016

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