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

+ RFA 7/2016

SUNIL KUMAR

..... Appellant

Through: None.

Versus

MAHAVIR PRASAD

..... Respondent

Through: Ms. Babita Seth, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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11.05.2016

CM No.17267/2016 (of the respondent to deposit court fees of Rs.25,000/- only)

1. This appeal was preferred against the judgment and decree on admissions for recovery of possession.
2. When the appeal came up first on 6th January, 2016, the counsel for the respondent also appeared and the appeal was disposed of by granting time till 30th April, 2016 to vacate the premises subject to paying compensation of Rs.25,000/- per month for the months of January, 2016 to April, 2016.
3. The Registry has now asked the respondent to pay court fees on the amount of Rs.1,00,000/-.
4. The counsel for the respondent / applicant states that the appellant vacated the premises on 1st February, 2016 and has paid only Rs.25,000/- to the respondent / applicant.
5. Though there is no proof of the appellant having so vacated the premises but it is deemed appropriate to accept the statement on oath of the respondent / applicant in this regard.

6. The application is disposed of clarifying that the respondent as far as this Court is concerned is liable to pay court fees on the sum of Rs.25,000/- only. However this will be without prejudice to the court fee if any payable by the respondent / applicant on the decree to be drawn up in the proceedings for *mesne profit* underway before the trial Court.

RAJIV SAHAI ENDLAW, J

MAY 11, 2016
'gsr'..