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

+ **FAO 59/2017**

**AMALGAMATED BEAN COFFEE TRADING  
COMPANY NOW COFFEE DAY GLOBAL** ..... Appellant  
Through: Mr. Bipin Kalappa, Advocate

versus

**KULDEEP SINGH JULKA** ..... Respondent  
Through: Mr. Pramod K. Sharma, Mr.  
Prashant Bajaj and Ms. Ankita  
Vashisht, Advocates

**CORAM:  
HON'BLE MR. JUSTICE J.R. MIDHA**

% **ORDER**  
**03.05.2017**

1. The appellant has challenged *ex parte* decree for possession and mesne profits. During the pendency of this appeal, the appellant has handed over the vacant and peaceful possession of suit property to the respondent on 26<sup>th</sup> April, 2017 and, therefore, the decree for possession stands satisfied.
2. With respect to the decree for mesne profits, learned counsels for both the parties agree that the same be set aside and the matter be remanded back to the learned Trial Court.
3. The appeal is partially allowed to the extent that the *ex parte* decree for mesne profits is set aside and the matter is remanded back to the learned Trial Court. The learned Trial Court shall permit the appellant to file the written statement and thereafter, proceed with the trial in accordance with law. The learned Trial Court shall endeavour to decide the matter within a period of 8 months.
4. The parties shall appear before the Trial Court on 01<sup>st</sup> June, 2017

when the appellant shall file the written statement along with the original documents. Learned counsels for both the parties have taken note of the next date of hearing and they waive off the requirement of any fresh notice from the Trial Court.

5. The Trial Court record be returned back forthwith.
6. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

**J.R. MIDHA, J.**

**MAY 03, 2017**  
**rsk**