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IN THE HIGH COURT OF DELHI AT NEW DELHI

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RFA 634/2017 and CM APPL. 25459/2017

BRIJESH KUMARI & ORS

..... Appellants

Through

Mr. R.D. Sharma, Advocate with
appellant No.1 in person

versus

KRISHNA KANSAL

..... Respondent

Through

Mr. Shiv R. Garg, Advocate with
Mr. S.K. Garg, Advocate

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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13.11.2017

RFA 634/2017 and CM APPL. 25459/2017 (Stay)

1. After arguments, this appeal is disposed of with the consent order that the impugned judgment of the Trial Court dated 06.12.2016 is sustained except the mesne profits granted at Rs.10,000/- per month would stand reduced to Rs.3,000/- per month. It is also agreed that the arrears of electricity bill amounting to Rs.74,000/- already paid by the respondent/plaintiff on account of the meter which supplies electricity to the premises occupied by the appellants, this amount of Rs.74,000/- will also be paid to respondent/plaintiff by the appellant along with the arrears towards mesne profits. It is agreed that the arrears of mesne profits along with this amount of Rs.74,000/- will be cleared in two instalments; one instalment will be cleared on or before 31.12.2017 and the second instalment of dues will be cleared by

28.02.2018. The appellants, however, will continue to pay month by month the charges w.e.f. December, 2017 every month.

2. Let the appellant No.1, on behalf of all the three appellants, file an affidavit of undertaking in this Court in terms of this order within one week from today and on the appellant no.1 filing the undertaking in this Court in terms of the present order and complying with the same, appellants will not be evicted from the suit premises till 30.04.2018.

3. At this stage, a sum of Rs.36,000/- is paid by the appellants to the respondent/plaintiff and out of which amount, a sum of Rs.30,000/- is in the form of a bank draft and Rs.6,000/- is in cash. This amount of Rs.36,000/- will be taken towards clearing of the part of the arrears of mesne profits which have to be cleared along with a sum of Rs.74,000/- on or before 31.12.2017.

4. Respondent will give details of her bank account to the appellant no.1 so that appellant no.1 can directly deposit the amount in terms of the present order in the bank account of the respondent/plaintiff. Needful be done within two weeks from today.

Dasti to counsels for the parties.

VALMIKI J. MEHTA, J

NOVEMBER 13, 2017

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