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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RSA 345/2015

JAGJIT SINGH

..... Appellant

Through: Mr. P.S. Goindi, Advocate.

versus

SUMAN YADAV

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **16.10.2017**

C.M. No.19366/2017 (exemption)

1. Exemption allowed subject to just exceptions.

C.M. stands disposed of.

C.M. No.19365/2017 (restoration)

2. Counsel for the appellant/defendant/tenant was heard not only with respect to the application for restoration but also on the main appeal. The appellant/defendant/tenant is unsuccessful in both the courts below and has a decree for possession and mesne profits against him. In this appeal an exparte injunction was granted by a learned Single Judge of this Court on 21.9.2015 and which continued till the appeal was dismissed in default on 24.4.2017.

3. Learned counsel for the appellant/defendant/tenant states that the application as also the appeal be disposed of as not pressed but appellant be granted time to vacate the suit premises on or before 31.12.2017. Let the appellant file an undertaking in this Court to vacate the suit premises on or before 31.12.2017 within a period of one week from today and on the appellant/defendant/tenant filing the undertaking and subject to the appellant clearing the electricity and water charges with respect to the suit premises, if any, appellant will not be evicted from the suit premises till 31.12.2017. It is clarified that there is no stay of operation of the money decree passed against the appellant and the respondent/plaintiff/landlord can always execute the money decree in accordance with law against the appellant/defendant/tenant.

4. Appeal and the application are disposed of accordingly in terms of aforesaid observations.

VALMIKI J. MEHTA, J

OCTOBER 16, 2017

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