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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **RFA 126/2017 and C.M. Appl. No. 31072/2018 (for directions)**

M/S TECHNOFAB ENGINEERING PVT LTD Appellant
Through: Mr. Sanjeev Kumar and Mr. H.K.
Nair, Advocates.

versus

ASHOK SHARMA & ORS Respondents
Through: Mr. Purushottam Kr. Jha, Advocate
for R-1, 3, 4, 5, 7, 9, 10 and 11.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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03.08.2018

1. After arguments, learned counsel for the appellant sought time to take instructions, and after the matter was passed over, counsel for the appellant says that appeal be disposed of as not pressed, but the appellant be given time to vacate the suit premises on or before 15.4.2019.

2. Let the appellant file an affidavit of undertaking in this Court to comply with the impugned judgment, and also pay all charges towards electricity, water, etc. as also the mesne profits payable in terms of the impugned judgment, within a period of two weeks from today, and on the appellant filing the affidavit of undertaking and complying with the terms of the same appellant will get time to vacate the suit premises on or before 15.4.2019.

3. Counsel for the appellant will deposit the arrears of use and occupation charges in this Court within a period of one week from today.
4. Any amount which is lying deposit in this Court along with accrued interest be released to the respondent no. 1 in appropriate satisfaction of the impugned judgment and decree, however, it is clarified that receipt of possession or any amount by the respondent no. 1 will completely exempt the liability of the appellant towards any other co-owner of the suit premises in view of Section 50 of the Transfer of Property Act, 1882. The amount or possession received by the respondent no. 1 from the appellant/defendant will be for and on behalf of all the co-owners of the suit property. Whatever amount has been deposited by the appellant herein in any other court, the same can be withdrawn by the respondent no. 1 in appropriate satisfaction of the impugned judgment and decree.
5. The appeal is accordingly disposed of in terms of the aforesaid consent order.

VALMIKI J. MEHTA, J

AUGUST 03, 2018

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