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

+ **RFA 123/2014**

RAVI CHAND JAIN (SINCE DECD THR LRS) Appellants
Through: Mr. Irfan Ahmed, Advocate with
appellants 2 and 3 in person.

versus

AVINASH CHANDRA JAIN Respondent
Through: Mr. S.S. Jain, Advocate with Mr.
Kapil Jain and Mr. Vikas Jain,
Advocates.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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01.08.2018

1. This appeal is disposed of with the consent order that the appellants are granted time to vacate the suit premises on or before 15.4.2019. Whatever amount has been deposited by the appellants in this Court along with accrued interest will be refunded back to the appellants. At the time of vacation of the property by the appellants and handing over possession of the suit property to the respondent on or before 15.4.2019, the respondent will make an *ex-gratia* payment of a sum of Rs.10,00,000/- in the name of Ms. Trishla Jain, appellant no.1, as stated by the appellant nos. 2 and 3 who are present in person in Court. The amount deposited in this Court will be paid to the appellants, through appellant no. 1, by the Registry of this Court

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within four weeks of physical possession of the suit property being delivered by the appellants to the respondent. Appellants will also clear all charges towards electricity, water, etc. of the suit premises till the appellants remain in possession of the suit premises.

2. Let the appellants file their affidavits by way of undertakings in this Court in terms of the present order within a period of two weeks from today and on the appellants filing their undertakings and complying with the terms of the same appellants will be entitled to the benefits of terms and conditions as stated in the present order.

3. It is however made clear that in case the appellants do not hand over actual physical vacant possession to the respondent/plaintiff on or before 15.4.2019 then appellants will not be entitled to the sum of Rs.10,00,000/- as stated above.

4. The appeal is accordingly disposed of in terms of the aforesaid consent order and the impugned judgment will stand merged in the present order.

VALMIKI J. MEHTA, J

AUGUST 01, 2018

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