

\$~10

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

+ RFA 399/2005 & CM No. 31351/2018 (U/s 151 CPC for clarification)

SURESH KUMAR SHARMA & ORS. Appellants

Through: Mr. Amit Dubey, Advocate (M. No.9910162280).

versus

KULWANT RAI SHARMA Respondent

Through: Mr. Akshay Makhija, Mr. Seerat Deep Singh and Ms. Mahima Behl, Advocates.(9560917847)

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **23.08.2018**

1. After arguments, this appeal is disposed of with the consent order that the appellants will vacate the suit premises on or before 31.12.2018 and for the period of stay appellants ensure that they will clear all electricity and water charges before handing over actual physical vacant possession of the suit premises to the respondent/plaintiff.

2. On the appellants handing over possession of the suit premises on or before 31.12.2018, consequently, the respondent/plaintiff agrees that whatever was the decree for mesne profits in favour of the respondent and against the appellants, is not pressed and the amount deposited by the

appellants in this Court alongwith accrued interest be released to the appellants. Appellants however will be entitled to withdraw the amount deposited in this Court alongwith accrued interest thereon only after handing over actual physical vacant possession of the suit premises to the respondent/plaintiff.

3. Let the appellants file their affidavits by way of undertaking in this Court within a period of one week from today in terms of the present order, and on the appellants filing the affidavits and complying with the terms of the same, appellants will have time to vacate the suit premises on or before 31.12.2018

4. The appeal is accordingly disposed of in terms of the aforesaid consent order.

VALMIKI J. MEHTA, J

AUGUST 23, 2018

ib