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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 255/2018 & CM Nos. 9819/2018 (Exemption) & 9818/2018
(stay)

DES RAJ MEHTA

..... Appellant

Through: Mr. Pradeep Dewan, Sr. Adv. with
Sh. Desh Raj and Ms. Anupam,
Advocates.

versus

RAKESH KUMAR SHARMA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **14.03.2018**

1. After arguments, learned senior counsel for the appellant, on instructions from the appellant, who is present in person as also the Advocate on record, states that the appeal be disposed of as not pressed but the appellant be granted time to vacate the suit premises on or before 15.9.2018. It is also agreed that appellant will clear all arrears of rent at the admitted rate of rent from November 2016 alongwith interest at 12% per annum simple from the end of the month for which the rent/mesne profits are payable. Appellant will also ensure that there are no charges due till date towards electricity, water etc and if the same are due the same will also

be positively cleared within one week from today. It may be clarified that this Court has made no observations with respect to entitlement of the respondent/plaintiff for mesne profits and which aspect is being decided by the trial court.

2. Let the appellant file an affidavit of undertaking in this Court in terms of the present order within a period of three days from today, and on the appellant filing the undertaking, complying with the terms of the present order and the undertaking, appellant is granted time to vacate the suit premises on or before 15.9.2018.

3. Appeal is accordingly disposed of in terms of the aforesaid observations.

VALMIKI J. MEHTA, J

MARCH 14, 2018

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