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

+ RFA 369/2010 & CM Nos. 933/2012, 6858/2011 & 23335/2011

NAIMA BEGUM

..... Appellant

Through: Mr. Amit Dhalia, Adv.

versus

MOHD. GULFAM & ORS.

..... Respondents

Through: Mr. Amjad Hussain, Adv.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **20.09.2018**

1. After arguments, this appeal is disposed of with the consent order that the suit of the appellant/plaintiff is decreed for possession of the property bearing no.615, Gali Fakhrulla Beg, G.B.Road, Delhi-6, however, no mesne profits are awarded as agreed because the respondents have agreed to handover actual vacant physical possession of the suit property to the appellant on or before 31.3.2019. It is again made clear that the mesne profits are waived only because of vacation by the respondents/defendants of the suit property on or before 31.3.2019, failing which the appellant/plaintiff will be entitled to mesne profits at Rs.18,000/- per month from the date of filing of the suit till the possession is received by the

appellant/plaintiff alongwith the interest at 9% per annum simple as per the definition of mesne profits contained in Section 2(12) CPC.

2. On the appellant receiving possession of the suit property on or before 31.3.2019 from the respondents/defendants all claims of the parties against each other will stand settled and satisfied and all other litigations between the parties will also stand withdrawn and disposed of in terms of the order passed today.

3. It is clarified that as on today the property stands constructed up to the second floor and possession of the entire property on as is where is basis will be delivered by the respondents/defendants to the appellant/plaintiff on or before 31.3.2019.

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

VALMIKI J. MEHTA, J

SEPTEMBER 20, 2018

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