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

+ RFA 430/2018

PUNJAB NATIONAL BANK

..... Appellant

Through: Mr. S.S.Katyal and Mr. Sanjay
Katyal, Advocates with Mr. Kashif
Mohd. Beg, Chief Manager of PNB.

versus

TRILOK JAIN & ORS

..... Respondents

Through: Ms. Sonali Malhotra and Mr. Anant
Bhardwaj, Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **25.07.2018**

Caveat No. 474/2018

1. Counsel appears for the caveator. Caveat accordingly stands discharged.

RFA No. 430/2018 & CMs 21024-25/2018

2. After arguments, this appeal is disposed of with the consent order that the impugned judgment and decree will stand but modified with respect to the rate of interest granted by the trial court from 12% to 9% per annum simple. To clarify further whatever mesne profits which are payable by the appellant to the respondents shall be paid at the rate granted by the trial court but interest will be payable simple at 9% per annum from the due date

of payment of rent which is taken as the last of the tenancy month till the date of actual payment. However, with respect to any and every amount which the appellant may have already paid to the respondents for the period for which the mesne profits/rent are payable, then the amount paid by the appellant to the respondents will become adjustable on the same date on which the amount was paid by the appellant to the respondents, meaning thereby interest would be due only with respect to the differential figure of mesne profits being the difference between the rent amount appellant paid and the mesne profits which are payable in terms of the impugned judgment.

3. As agreed, appellant will pay the due amount in terms of the present consent order to the respondents within a period of three months from today.

4. The appeal is accordingly disposed of in terms of the aforesaid consent order, leaving the parties to bear their own costs.

VALMIKI J. MEHTA, J

JULY 25, 2018

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