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

+ RFA 577/2018 and C.M. Nos.29052/2018(stay) & 29053/2018 (for additional evidence).

RAJNI SHARMA

..... Appellant

Through: Mr. S. Satyanarayana, Advocate with
appellant in person (M.
No.9810178109).

versus

JASMEET KAUR CHAUHAN

..... Respondent

Through: Mr. Hardev Chadha, Advocate (M.
Nos.9891425986 & 9811617186).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **12.09.2018**

1. After arguments, this appeal is disposed of with the consent order of sustaining the impugned judgment but modifying the same by reducing the mesne profits to Rs.3,000/- per month instead of Rs.12,000/- per month as granted by the trial court. Appellant/defendant is also granted time till 31.3.2019 to hand over possession of the suit property to the respondent/plaintiff and for which period the appellant/defendant will clear all charges towards electricity, water etc payable and also clear by

instalments every month arrears payable of mesne profits as also future mesne profits payable month by month at Rs.3,000/- per month every month from October, 2018 till 31.3.2019.

2. Let the appellant/defendant file an affidavit of undertaking in this Court in terms of the present order within one week and on the appellant/defendant filing the affidavit of undertaking and complying with the terms of the same, appellant is granted time to vacate the suit property and hand over actual physical vacant possession of the suit property to the respondent/plaintiff on or before 31.3.2019.

3. It is also clarified that since the case of the appellant is that he had paid a total sum of Rs.3 lacs to one Mr. Arun Kumar Minocha who represented himself to be entitled to let out the suit property to the appellant/defendant, therefore, the appellant/defendant can always file a suit for recovery of Rs.3 lacs with interest from Mr. Arun Kumar Minocha and with respect to merits of claim of which this Court does not observe one way or the other but the period spent in this litigation will be available to the appellant/defendant for computing the period of limitation by applying Section 14 of the Limitation Act, 1963.

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

VALMIKI J. MEHTA, J

SEPTEMBER 12, 2018

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RFA No.577/2018

page 3 of 3