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

+ RFA 500/2018 and C.M. Nos.25970/2018(stay), 25971/2018 (for condonation of delay) & 25972/2018 (exemption)

SWARAJ OVERSEAS LTD & ORS

..... Appellants

Through: Mr. Pratap Singh, Advocate
alongwith appellant no.2 in person.

versus

KANWAR RAMESH SINGH

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **04.07.2018**

1. After arguments the appeal is disposed of as not pressed, but, as prayed for, appellants are granted time to vacate the suit premises till 31.12.2018. Counsel for the appellants is instructed by the appellant no.2 who is present in person. It is also agreed that the agreed rate of rent upto date will be paid and future admitted rent every month will be paid on or before 31.12.2018.

2. On the aspect of mesne profits, this issue is alive before the trial court and nothing is observed with respect to mesne profits and which aspect

will be decided by the trial court in accordance with law since the impugned judgment only decrees the suit for possession leaving the aspect of mesne profits to be decided during the course of the suit.

3. Let the appellants file their affidavits of undertaking in this Court within two weeks from today in terms of the present order to vacate the suit premises on or before 31.12.2018 and to clear all electricity charges, water charges etc as also admitted rate of rent till the time the suit premises are vacated on or before 31.12.2018. Subject to the appellants filing the aforesaid undertaking and complying with the terms of the same, while this appeal is disposed of as not pressed, appellants will be entitled to stay in the suit premises till 31.12.2018.

4. Appeal is accordingly disposed of.

VALMIKI J. MEHTA, J

JULY 04, 2018

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