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

+ RFA 682/2018, Caveat Nos.751-52/2018, C.M.
Nos.33572/2018(stay), 33573-74/2018(exemption) 33575/2018(for
condonation of delay)

MAHESH CHAND AGGARWAL

..... Appellant

Through: Mr. K. Datta, Advocate with Mr.
Abhinav Hansaria, Advocate (M.
No.9810349842).

versus

VARUN KUMAR JAIN & ANR.

..... Respondents

Through: Mr. Naveen Sharma, Advocate with
respondent No.1 in person (M.
No.9811143319).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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21.08.2018

1. After arguments, the appeal, all pending applications and caveats are disposed of with the consent order that appellant will vacate the suit premises and hand over physical vacant possession of the same to the respondent no.1/plaintiff on or before 20.10.2018. The appellant will also pay charges for use and occupation w.e.f 1.1.2012 at Rs. 40,000/- per month alongwith interest @ 6% per annum from the end of the month for which the charges at Rs.40,000/- are payable and which will continue till the time the

appellant hand over actual physical vacant possession of the suit premises to the respondent no.1/plaintiff on or before 20.10.2018. If any amount has already been paid by the appellant/defendant no.1 to the respondent no.1/plaintiff, the appellant/defendant no.1 will be entitled to adjustment and only the balance amount now due and payable alongwith interest @ 6% per annum will be paid to the respondent no.1/plaintiff. The total amount due as on today will be paid in three instalments with each instalments becoming due in three weeks i.e first instalment of 1/3rd of the amount due will be paid in three weeks, the second instalment of the 1/3rd amount will be paid in next three weeks and the balance 1/3rd amount due would be paid at least one week prior to the appellant/defendant no.1 handing over vacant physical possession of the suit premises to the respondent no.1/plaintiff.

2. The appellant/defendant no.1 will also ensure that all charges towards electricity, water etc payable to the local authorities will be cleared before the appellant/defendant no.1 hands over actual vacant physical possession of the suit premises to the respondent no.1/plaintiff.

3. Let the appellant/defendant no.1 file an affidavit of undertaking in this Court in terms of the present order within one week and on the appellant/defendant no.1 filing such affidavit of undertaking and complying

with the terms of the same, the appellant/defendant no.1 will be entitled to time to vacate the suit premises on or before 20.10.2018.

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

VALMIKI J. MEHTA, J

AUGUST 21, 2018

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