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

+ RFA 590/2017 & CM No. 23128/2017 (stay0

POONAM KUMARI

..... Appellant

Through: Ms. Puja Agrawal and Mr. Sumit Kr.
Mishra, Advocates.

versus

BALDEV RAJ

..... Respondent

Through: Mr. Mohammad Ali, Advocates

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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19.03.2018

1. After arguments, this appeal is disposed of with the following consent order inasmuch as counsels for the parties state that they have taken necessary instructions from their respective clients.
2. This appeal is accordingly disposed of by the consent order that appellant will pay to the respondent 50% of the mesne profits decree granted by the trial court without any interest in terms of para 29 of the impugned judgment within a period of three months from today. In case, 50% of the decretal amount with respect to the principal amount of mesne profits is not paid within three months then the impugned judgment and decree as it stands will revive.

3. An amount of Rs.1,54,000/- has been deposited by the appellant in the trial court in the form of an FDR and the amount of FDR alongwith accrued interest will be withdrawn by the respondent, however what will be adjusted towards the principal decretal amount of 50% payable by the appellant to the respondent in terms of the present consent order, will be the amount of money deposited which has been put in an FDR and not the interest which has accrued on the FDR.

4. Accordingly, the present appeal is disposed of in terms of the aforesaid compromise/consent order, leaving the parties to bear their own costs.

VALMIKI J. MEHTA, J

MARCH 19, 2018

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