

\$~13

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

+ **RFA 752/2018**

MIRIC BOITECH LIMITED & ANR Appellants
Through: Mr. Himanshu Upadhyaya, Advocate.

versus

JYOTSNA DUBE @ JYOTSNA GANDHI Respondent
Through: Mr. Anshul Garg, Advocate (Mobile
No. 8920406830).

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **07.09.2018**

CAVEAT No. 811/2018

1. Since counsel for the caveator has entered appearance, the caveat stands discharged.

RFA 752/2018 and C.M. Appl. Nos. 36316-18/2018

2. After arguments this appeal is disposed of with the consent order that the appeal is not pressed, but appellants are granted time to vacate the suit premises on or before 31.12.2018, subject however to the appellants clearing all arrears of admitted rent from February, 2017 till date within a period of 30 days from today, and consequently filing the affidavits of undertaking in this Court within two weeks to comply with the present order for vacation of the suit premises by

31.12.2018 and also clear all admitted rent charges of arrears and till the time the appellants stay in the suit premises, besides clearing all charges towards electricity, water, etc. It is also clarified that besides payment of arrears of rent made by the appellants to the respondent, appellants will also within four weeks give the necessary TDS Certificates with respect to TDS deducted on rent by the appellants for being deposited with the tax authorities.

3. Let the appellants file their affidavits of undertakings in this Court within two weeks in terms of the present order, and on the appellants filing the affidavits of undertaking and complying with the terms of the same including the present order, the appellants are granted time to vacate the suit premises on or before 31.12.2018. This Court is making no observations one way or the other with respect to the monetary claims of the parties whether of *mesne* profits by the respondent/plaintiff or alleged counter claim of the appellants, and these aspects will be decided by the trial court in accordance with law.

VALMIKI J. MEHTA, J

SEPTEMBER 07, 2018

AK