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

+ RFA 884/2016 and C.M. Nos.8556/2017(stay) & 8410/2018(for release of amount)

PAWAN KUMAR GUPTA

..... Appellant

Through: Mr. P.S. Rana, Advocate with Mr. Ratnesh Kant, Advocate (M. No.9818215153).

versus

SHASHI JAIN

..... Respondent

Through: Mr. D.K. Mehta, Advocate with Mr. Vivek Kumar Chaudhary, Advocate and Mr. Digamber Singh, Advocate (M. Nos.9811127740, 9810189487 & 9971505537).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **27.08.2018**

1. After arguments, this appeal is disposed of with the consent order that appeal is disposed of as not pressed but appellant will hand over actual physical vacant possession of the suit premises to the respondent/plaintiff on or before 31.12.2018. The appellant/defendant will clear all charges towards electricity, water etc as payable for the premises till the time the appellant stays in possession of the suit premises and vacates it

on or before 31.12.2018. On possession being handed over by the appellant to the respondent on or before 31.12.2018, simultaneously appellant will give all paid electricity bills of the suit premises to the respondent/plaintiff. After handing over possession of the suit premises to the respondent/plaintiff, appellant will be entitled to withdraw any amount which is deposited in this Court by the appellant alongwith accrued interest thereon. No further amount would be paid by the appellant till the time appellant hands over actual physical vacant possession of the suit premises to the respondent/plaintiff.

2. Let the appellant file an affidavit of undertaking in terms of the present order in this Court within one week and on the appellant filing the affidavit of undertaking and complying with the terms of the same, appellant is granted time to vacate the suit premises on or before 31.12.2018.

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

VALMIKI J. MEHTA, J

AUGUST 27, 2018

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