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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 864/2018, CAV 965/2018, CM Appl.Nos.43801-02/2018,
44379-80/2018

RAJESH KUMAR MISHRA Appellant
Through : Mr.Madan Lal Sharma, Advocate.

versus

KAMLESH KUMAR GOEL Respondents
Through : Mr.Anshu Mahajan, Advocate.

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

% **ORDER**
23.10.2018

1. After arguments, this appeal is disposed of as not pressed on instructions being received by the wife of the appellant namely Ms. Neena Mishra, who is present in person in court, and it is prayed that the appellant will vacate the suit premises on or before 31.12.2018 and clear all charges towards arrears of admitted rent till 31.10.2018 with arrears being payable from 01.10.2017.
2. This Court is, however, not making any observations with respect to mesne profits payable, and which is an aspect to be heard and decided by the trial court in accordance with law.
3. The appellant also undertakes to clear all charges towards electricity, water etc. payable with respect to the suit premises till the suit premises are vacated on or before 31.12.2018.

4. I may note that the lease period expired on 30.11.2016 and admitted rent of Rs.20,000/- p.m. has not been admittedly paid since 01.10.2017. Ordinarily this was not a case of grant of any time to vacate the premises to the appellant, but considering that the appellant is suffering from paralyses and therefore, only because of this reason the appellant, as is prayed, is granted time to vacate the suit premises on or before 31.12.2018 and which is agreed to by the respondent.

5. Let an affidavit of undertaking in terms of the present order be filed in this Court within a period of 6 days from today by the appellant and subject to clearing charges towards arrears of admitted rent till 31.12.2018 and electricity and water charges every month regularly till 31.12.2018, the appellant is granted time to vacate the suit premises on or before 31.12.2018.

VALMIKI J. MEHTA, J.

OCTOBER 23, 2018/sa