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

+ **RFA 840/2018**

T SEKRAN

..... Appellant

Through: Mr. Prosonjeet Banerjee and Mr. A.K. Singh, Advocates (Mobile No. 9810150114) along with son of the appellant in person.

versus

S KULWANT BIR SINGH ANAND

..... Respondent

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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09.10.2018

C.M. Appl. No. 41734/2018 (for exemption)

1. Exemption allowed, subject to all just exceptions.

C.M. stands disposed of.

RFA 840/2018 and C.M. Appl. No. 41733/2018 (for stay)

2. Counsel for the appellant has argued the appeal in detail. At the stage of dictation of the judgment counsel for the appellant, on instructions from the son of the appellant who is present in person, states that the appeal be disposed of as not pressed but the appellant be given time to vacate the suit premises on or before 10.1.2019 and that the appellant will also for the next three months pay on account charges of use and occupation at Rs.1,00,000/- per month by paying

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to the respondent a sum of Rs.3,00,000/- in advance within a period of one month from today and the appellant will also pay another sum of Rs.3,00,000/- to the respondent on account and subject to final determination on the aspect of *mesne* profits by the trial court, also within a period of six weeks from today.

3. Appellant will also clear all charges towards electricity, water, etc. as payable for the suit premises before the appellant vacates the same and all paid bills till date with respect to water, electricity, etc. will be handed over to the respondent/landlord/plaintiff within a period of two weeks from today.

4. Let the appellant file an affidavit of undertaking in this Court in terms of the present order within a week and on the appellant filing the affidavit of undertaking and complying with the terms of the same, while disposing of the appeal as not pressed, appellant is granted time to vacate the suit premises on or before 10.1.2019 but subject to payment of the amounts as aforesaid to the respondent/landlord/plaintiff.

5. The appeal is disposed of accordingly.

VALMIKI J. MEHTA, J

OCTOBER 09, 2018

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