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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 40/2018 and C.M. Nos.1557/2018 (stay) & 1558/2018
(exemption)

M/S J P HOSIERY Appellant
Through: Mr. Ashish Mohan, Advocate.

versus

KAWAL RATTAN Respondent
Through: Mr. Deepak Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **16.01.2018**

1. After arguments, this appeal is disposed of with the following consent order:-

(i) Impugned judgment and decree for possession is sustained but appellant/tenant is granted time to vacate the suit premises till 31.1.2019.

(ii) Appellant/defendant/tenant will pay from the date of termination of tenancy on 30.4.2012, 10% yearly compounded increase on the rent which was payable as on 30.4.2012. It is clarified and agreed that rent payable on 30.4.2012 was Rs.7,000/- per month.

(iii) Besides the compounded increase of 10% and which is in terms of the judgment of this Court in the case of *M/s. M.C. Agrawal HUF Vs. M/s. Sahara India and Ors., (2011) 183 DLT 105*, respondent/plaintiff/landlord

will also be entitled to interest @ 7½% per annum simple for the arrears which are payable w.e.f 30.4.2012 with interest being payable on the amount which became payable at the end of the month for which the mesne profits are payable and till the amount of mesne profits is paid.

(iv) All the amounts due and payable to the respondent/plaintiff as arrears in terms of the present order will be positively cleared by the appellant within two months from today.

(v) Appellant will also clear all charges payable to the local authorities towards electricity and water on the respective due dates and will not create any third party interest in the suit premises till the same are vacated and handed over to the respondent/plaintiff.

2. Let the appellant file an affidavit of undertaking in this Court in terms of the present order within two weeks from today and on the appellant filing the undertaking and complying with the terms of the same, appellant will not be evicted from the suit premises till 31.1.2019.

3. Appeal is accordingly disposed of in terms of the aforesaid consent order.

VALMIKI J. MEHTA, J

JANUARY 16, 2018

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