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

\+ RFA 934/2019

MANMEET KAUR & ORS

..... Appellant

Through : Mr.J.K.Bhola, Mr.Kshitiz Aggarwal and Mr.Vishal Kr., Advocates

versus

ARVIND MALIK

..... Respondent

Through : Mr.Vishal Khattar, Advocate with respondent in person

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

O R D E R

% **23.10.2019**

CAV 1069/2019

Counsel as above appears for the respondent/caveator.

The caveat is discharged.

CM APPL.No.46729/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RFA 934/2019 & CM APPL.No.46728/2019

This appeal is against the judgment dated 03.07.2019 passed in civil suit No.(Old)163/18 (New)677/18 by learned Additional District Judge, Patiala House courts, New Delhi wherein suit for possession and mesne profits have been decreed. The mesne profits are calculated @ ₹ 5,000/- per day w.e.f. 01.07.2018.

At the outset, learned counsel for the appellant submits the appellants are inclined to settle the matter amicably and they would vacate the premises on or before 31.03.2020 and would hand over its vacant and peaceful possession to the respondent herein. Ordered accordingly. Qua the damages it is submitted the appellants would pay an amount of ₹ 95,000/- per month instead ₹ 5,000/- per day.

In the circumstances and as agreed between the parties, the appellant shall pay the mesne profits @ ₹ 95,000/- per month w.e.f. 01.07.2018 till the date he vacates the premises. If the appellants have been paying ₹ 60,000/- per month after 01.07.2018, the appellants be given due credit of such rentals paid. The arrears shall be cleared on or before 31.03.2020 ***lest*** the respondent shall be entitled to the decretal amount as is envisaged in the impugned judgment dated 03.07.2019. Electricity and water charges shall be paid as per actuals. An undertaking to this effect shall be filed by 10.11.2019.

The appeal along with the pending applications, if any, stand disposed of in terms of the above order.

Certificates of payment of GST if retained by the respondent be also handed over to the appellant.

YOGESH KHANNA, J.

OCTOBER 23, 2019

VLD