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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA 253/2019 & CM APPL No.13898/2019**
PUNJAB & SIND BANK & ORS

..... Appellants

Through : Mr.Harish Kotyal, Mr.Vinny
Shangloo and Ms.Monika Kotyal,
Advts.

versus

M/S ASSENT PROPERTIES PVT LTD

..... Respondent

Through : Mr.Mukesh Vata and Ms.Mahak
Rathee, Advts.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **06.11.2019**

This appeal challenges the impugned judgment and order dated 27.11.2018 which culminated into a decree dated 31.01.2019. It is the submission of the learned counsel for the respondent there was a delay in preparing the decree as court fee need to be paid by the respondent and only upon payment of such requisite court fee, the decree dated 31.01.2019 of judgment dated 27.11.2018 was prepared. It is further argued this appeal has become infructuous per order dated 07.01.2019 passed in RFA No.530/18.

In this appeal, the appellant has challenged the reasoning given in order dated 27.11.2018 in allowing the mesne profits at a given rate to the respondent. However, vide order dated 07.01.2019 in RFA No.530/2018, filed against decree for possession, the court gave

further time to the appellant herein to vacate the premise till 30.11.2019 subject to the appellants' paying mesne profits in terms of the judgment dated 07.05.2018 and dated 27.11.2018.

The concession to continue in possession till 30.11.2019, despite a decree of possession dated 07.05.2018 was given to the appellant only on consent of the appellant to make payment of mesne profits, as determined by the orders dated 07.05.2018 and 27.11.2018.

The order dated 07.01.2019 being a consent order, hence challenging order dated 27.11.2018 once again in this RFA would be against the spirit of order dated 07.01.2019. This appeal thus has no merit and is accordingly dismissed. Pending application, if any, also disposed of.

No order as to costs.

YOGESH KHANNA, J.

NOVEMBER 06, 2019

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