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

+ RFA 417/2019, CM Nos. 20898-20899/2019

STOXIT IT

..... Appellant

Through: Mr. Nikhil Singhvi and
Mr. Mohit Seth, Advs.

versus

DHARMINDER SARNA & ANR

..... Respondents

Through: Ms. Ishu Arora, Ms. Parul Ghosh and
Mr. Ajay Dua, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.05.2019

This Court while issuing notice on this appeal on May 3, 2019, had passed the following order:

“The only submission made by the learned counsel for the appellant is that Trial Court has only granted 45 day’s time to vacate the premises. His plea is that appellant may be granted some more time.

Limited to the said submission made by the learned counsel for the appellant, issue notice to the respondents through all modes including dasti returnable on May 22, 2019”.

Respondents have been served and are represented through Ms. Ishu Arora, Adv. Even though learned counsel appearing for the appellant submits that appellant shall vacate the property in question and hand over the possession to the respondents within six months, this Court is of the view that five months be granted to the appellant to vacate the property that

is on or before October 31, 2019, during which period, the appellant shall pay an amount of Rs.90,000/- to the respondents as user charges excluding electricity, water and maintenance charges. The same shall be paid by the appellant and accepted by the respondents without prejudice to their rights and contentions, on the issue of mesne profits which is said to be pending before the Trial Court. Any failure on the part of the appellant to pay the user charges, and also electricity, water and maintenance charges shall make the appellant liable to vacate the property in question forthwith. An undertaking on the aforesaid lines shall be filed by the appellant in this Court within a week with a copy to the counsel for the respondents.

It is made clear that this order shall be effective from the month of May, 2019.

With the aforesaid, the appeal stands disposed of.

CM Nos. 20898-20899/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

MAY 22, 2019/jg