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

+ RFA 848/2018 and C.M. No.42594/2018 (stay)

SUNIL KUMAR GOEL

..... Appellant

Through: Mr. Harpreet Singh, Advocate with
Mr. Rajesh Gupta, Advocate.

versus

KRISHNA KUMARI & ANR

..... Respondents

Through: Mrs. Kajal Chandra, Advocate with
Ms. Prerna Chopra, Advocate, Mr.
Viren Kapur, Advocate and Ms.
Divye Puri, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **15.01.2019**

1. This appeal is disposed of with the consent order that the impugned judgment is modified in that the decree against the appellant will be for 2/3rd of the decretal amount and not the entire decretal amount in terms of the impugned judgment dated 7.6.2018. This 2/3rd of the decretal amount will be in full and final satisfaction of the claim of the respondent no.1 in the suit. Whatever amount has been paid/deposited by the appellant in this Court be released to the respondents alongwith accrued interest in appropriate satisfaction of the impugned judgment and decree as modified

by today's order, however, this Court is not making any observations as to whether appellant has deposited 2/3rd of the decretal amount in this Court inasmuch as 2/3rd of the decretal amount payable as on the date of the impugned judgment and decree had to be deposited in this Court.

2. It is also clarified that since the impugned judgment decrees the mesne profits for a particular period, in case the respondent no.1 has received any charges for the period for which mesne profits has been decreed by the trial court, such amount will be liable to be adjusted to calculate the 2/3rd of the decretal amount which is payable. Appellant will however be entitled to adjustment in terms of the impugned judgment of the trial court.

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

VALMIKI J. MEHTA, J

JANUARY 15, 2019
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