

\$~3

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

RFA 937/2019 & CM APPL No.47090/2019

HAJI SIRAJ AHMED

..... Appellant

Through : Mr.Satish Bajaj, Advocate

versus

SAMAR SULTAN

..... Respondent

Through : Mr.Diwan Singh Chauhan, Advocate

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

05.02.2020

This appeal is against the impugned judgment dated 18.09.2019. On 28.01.2020 a limited notice was issued to the respondent as the appellant wish to settle the matter amicably with the respondent by taking some time to vacate the premises.

Both the learned counsels for the parties have agreed that the appellant shall vacate the premises on or before 30.04.2021 and hand over its peaceful and vacant possession to the respondent. Further he shall continue to pay the admitted user charges @ 22,500/- per month, payable before 7th of each calendar month. Electricity and water charges shall also be paid as per actuals.

An undertaking to this effect shall be filed by the appellant within a week from today before this Court.

Any default in making payment of the user charges shall entail

the eviction forthwith.

In view of the above, the appeal stands disposed of. Pending applications also stand disposed of.

Of course, the appellant shall not part with the possession of the premises to any third party during this period. The appellant also undertakes to permanently close the door which he had erected in the intervening wall of the subject property and his adjoining property and shall restore the wall prior to his leaving the premises, lest shall be liable to pay its restoration charges to the respondent.

This order is without prejudice to the rights and contentions of the respondent taken in suit No.179/18, still pending before the learned trial court for deciding the quantum of mesne profits.

No order as to costs.

YOGESH KHANNA, J.

FEBRUARY 05, 2020

VL