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

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Decision delivered on: 12.02.2024+ **RFA(OS) 5/2024 & CM No.7205/2024****PRASHANT NAGPAL**

..... Appellant

Through: Mr Pradeep Dewan, Sr Adv. with Mr
Sunil Goyal, Mrs Anupam Dhingra,
Mr Aseem Nayyar and Ms Pooja
Joshi, Advs.

versus

ARTI GUPTA AND ORS

..... Respondents

Through: Mr Abhimanyu Mahajan, Ms Anubha
Goel and Mr Mayank Joshi, Advs.
along with R-2, i.e., Mr Sunil Kumar
Gupta.**CORAM:****HON'BLE MR. JUSTICE RAJIV SHAKDHER****HON'BLE MR. JUSTICE AMIT BANSAL****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J. (ORAL):**

1. This appeal is directed against the judgment and decree dated 20.12.2023.
2. We have heard learned counsel for the parties.
3. Learned counsel for the parties have taken instructions from their respective clients.
4. Learned counsel for the parties submit that the appeal can be disposed of based on the following agreed directions:
 - (i) The appellant will vacate and hand over the peaceful possession of the suit property on or before 30.06.2024.
 - (ii) The appellant will pay the occupation charges at the rate of



Rs.75,000/- per month beginning with February 2024. The occupation charges for February 2024 will be paid on or before 28.02.2024. Insofar as the remaining months are concerned, the occupation charges will be paid on or before the 7th (seventh) day of the month.

(iii) The suit number, i.e., CS(OS) No. 534/2018 shall stand disposed of.

(iv) Upon vacating the property and paying the occupation charges, as indicated above, all proceedings between the appellant and respondent nos.1 and 2 shall stand terminated/withdrawn. Respondent nos.1 and 2 will cooperate with the appellant in this behalf.

(v) The appellant will file an undertaking by way of an affidavit within the next five (5) days. The affidavit will, *inter alia*, indicate that the appellant will abide by the aforementioned terms and conditions. A copy of the affidavit will be furnished to learned counsel for respondent nos.1 and 2.

5. The appeal is disposed of in the aforesaid terms.

6. Consequently, the pending interlocutory application shall stand closed.

7. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 12, 2024/aj