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

% *Date of Decision: 12.02.2024*

+ **RFA(COMM) 49/2024**

SH. NITIN JAIN

..... Appellant

Through: Mr Amit Gupta with Mr Kamal Garg,
Mr Shiv Verma and Ms Muskan
Nagpal, Advs.

versus

SH. NITIN SHARMA

..... Respondent

Through: Mr Karandeep Singh Rekhi with Mr
Jai Vardhan, Mr Parv Garg and Mr
Ritesh Kumar Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):

CM Appl.8400/2024

1. Allowed, subject to just exceptions.

RFA(COMM) 49/2024 & CM Appl.8399/2024

2. This appeal is directed against the judgment and decree dated 28.11.2023.

3. We have heard Mr Amit Gupta, learned counsel, who appears on behalf of the appellant, at some length.

3.1 We have also heard the learned counsel for the respondent i.e. Mr Karandeep Singh Rekhi.



4. To be noted, the appellant and the respondent are also physically present in the court.

5. Counsel for the parties, after some arguments, on the instructions of their respective clients, agree that the appeal can be finally disposed of based on the following terms and conditions:

- (i) The subject property will be vacated by the appellant on or before 30.11.2024.
- (ii) 50% of the arrears towards rent commencing from August 2022 will be paid at the rate of Rs.75,000/- per month, on or before 31.03.2024.
- (iii) Remaining amount i.e., balance 50% of the rent will be paid at the rate given above, i.e., Rs.75,000/- per month, on or before 30.04.2024.
- (iv) Insofar as occupation charges for the current month i.e., February 2024 is concerned, the same will be paid within one week i.e., on or before 19.02.2024. Occupation charges for the current month will run at the rate of Rs.75,000/- per month.
- (v) The execution petition i.e. Ex. Pet.24/2024, instituted by the respondent shall stand closed.
- (vi) The impugned judgment and decree is modified to the aforesaid extent.
- (vii) The appellant will file an undertaking with this Court by way of an affidavit, which would *inter alia* state that he will abide by the terms and conditions stipulated hereinabove.



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6. The appeal is disposed of in the aforesaid terms.
7. Parties will act based on the digitally signed copy of the order.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 12, 2024/pmc

Signature Not Verified

Digitally Signed By: ATUL
JAIN

Signing Date: 13/02/2024
16:23:33

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