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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 215/2024**

SH.KISHAN KUMAR SHARMA APPELLANT
Through: Mr.R.N.Singh, Advocate with
appellant in person.

versus

SH. ANSHUL PANDEY AND ANR

..... RESPONDENTS
Through: Mr.Darpan Sachdeva and
Mr.Mritunjai Singh, Advocates.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

28.05.2024

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CAV 256/2024

1. In view of the appearance on behalf of the respondents/caveator, the caveat stands discharged.

CM APPL. 32253/2024(Exemption)

2. Exemption is allowed, subject to all just exceptions.

3. The application stands disposed of.

RFA(COMM) 215/2024 & CM APPL. 32252/2024

4. After some arguments, the learned counsel for the appellant, under instructions, submits that the appellant is ready to withdraw the appeal, however, some time may be granted to vacate the premises in question (Commercial Shops bearing No.T-25 and T-28, Sri Ram Palace, Teliwara, Sadar Bazar, Delhi comprising in MPL No.2481, 2482, and part of 2483).

5. The learned counsel for the respondents who appears on Caveat, fairly states on instructions, that subject to the appellant clearing the rental arrears and also payment of further *mesne profits* @₹10,500/- per month for the



period till the date of vacation, the respondents would have no objection in case the appellant continues to occupy the premises for a further period of five months from date.

6. In view of above, the present appeal is dismissed as not-pressed with the observation that the appellant shall clear the arrears of rental within a period of two weeks from date. The Appellant shall also file an affidavit in the form of an undertaking to this Court to the effect that the premises in question shall be vacated by him within a period of five months from today and also pay the *mesne profits* @ ₹10,500/- for the said extended period of occupation.

7. Subject to the appellant clearing the arears as aforesaid and filing of an undertaking by way of affidavit within two weeks from date, the decree shall not be executed for a period of five months from today. Pending application also stands disposed of.

8. This order is passed with the consent of the parties.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 28, 2024

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Click here to check corrigendum, if any