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

+ **RFA 441/2024 & CM APPL. 56852/2024**

VIJAY KUMAR

.....Appellant

Through: Mr. Amit Bhatia, Advocate

versus

NISHA ARORA & ORS.

.....Respondents

Through: Mr. Mohit Batra, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **01.10.2024**

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

CM APPL. 40413/2024 (seeking permission to place on record the legal notices)

1. Learned counsel for respondents who appears on notice of this application submits that there is no need to file formal reply but he strongly opposes the application.
2. At this stage, learned counsel for appellant submits that he has instructions of his client to seek withdrawal of this appeal in case the appellant is allowed to stay in the subject premises for a period of six months from today and during that period he shall continue to pay the agreed rent of Rs. 10,000/- per month. Learned counsel for respondent who is accompanied with attorney of respondents in person is not averse to grant of such indulgence.
3. Under these circumstances, it is directed that till 01.04.2025, the appellant shall not be evicted from the subject premises in execution of the



judgment and decree impugned in this appeal provided he continues to pay use and occupation charges at a rate of Rs. 10,000/- per month. It is made clear that this settlement shall not have a bearing on the issue of computation of mesne profits pending before the learned Trial Court. It is also made clear that in case the appellant does not vacate the subject premises on or before 01.04.2025, the execution of the impugned judgment and decree shall be carried out.

4. With these conditions, the appeal as well as pending applications are dismissed as withdrawn.

GIRISH KATHPALIA, J

OCTOBER 1, 2024/rk

[Click here to check corrigendum, if any](#)