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

+ **RFA(COMM) 329/2024 & CM APPL. 46885-46887/2024**

M/S RAJOURI GARDEN
RESIDENT CLUB (REGD.)

.....Appellant

Through: Mr Vipin Nandwani, Adv.

versus

KISHAN KISHORE TANDON
AND SON (HUF)

.....Respondent

Through: Mr Rajeev Aggarwal, Mr Ankit Gupta
and Mr Shubham Goel, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

14.08.2024

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

1. After we had heard the learned counsel for the parties for some time, it was suggested that a settlement could be arrived at with regard to the quantification of arrears of rent, *mesne* profits and interests.

1.1 Accordingly, the matter was passed over for the counsel to obtain instructions.

2. The counsel have obtained instructions.

3. Resultantly, as agreed, the impugned judgment and decree is modified as follows:-

i. A decree will issue concerning arrears of rent accumulated till 30.04.2019, for Rs.25,27,362/-.

ii. Damages and *mesne* profits will be quantified as follows: -

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- a. For the period spanning between 01.05.2019 and 31.05.2021 [i.e., 25 months], it will be paid at the rate of Rs.1,03,056/- per month.
- b. For the period obtaining between 01.06.2021 and 09.04.2024 [i.e., 34 months], it will be paid at the rate of Rs.1,18,514/- per month.
- iii. *Pendente lite* and future interest will be paid to the respondent, at the rate of 9% [simple interest] per annum till the date of actual realization of arrears of rent and damages/ *mesne* profits.
- iv. In addition to the amounts indicated above, Rs.5,00,000/- will be paid, which will not carry the interest as indicated in para 4(iii) above. Rs.5,00,000/- will be paid within the next four (04) weeks failing which, the amount will carry interest at the rate of 9% per annum.
- v. The costs incurred in prosecuting the suit, as determined by the Taxing Officer, shall be paid to the respondent.
4. The appeal is disposed of in the aforesaid terms.
5. In view of the fact that the appellant has arrived at a settlement in the matter, the Registry will refund the court fee paid by the appellant qua the appeal.
6. The Registry will also prepare a decree sheet as per the terms of the settlement arrived at between the parties, as indicated above.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 14, 2024/ds

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

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