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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **RFA(COMM) 431/2024**
M/S KUMARSONS AUTO PVT LTDAppellant
Through: Dr. (Maj) J C Vashista, Adv.

versus

DARSHAN KUMAR ARORARespondent
Through: Mr.Rajiv Mehra, Adv. along with the
respondent in person.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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08.10.2024

CAV 505/2024

1. Since learned counsel for the caveator/respondent enters appearance, the caveat stands discharged.

CM APPL. 59618/2024

2. Exemption allowed, subject to all just exceptions.
3. The application stands disposed of.

RFA(COMM) 431/2024 & CM APPL. 59617/2024 (stay)

4. The present appeal under Section 13 (1A) of the Commercial Courts Act, 2015 read with Order XLI Rule 1 of the Code of Civil Procedure, 1908, seeks to assail the judgment and decree dated 05.08.2024 passed by the learned District Judge (Comm.), Central, Tis Hazari Courts, Delhi in CS (COMM) No.1553/2023. Vide the impugned order, the learned Trial Court has passed a decree of possession of the suit property in favour of the respondent. The learned Trial Court has



also directed the appellant to pay arrears of a sum of Rs.36,600/- and continue to pay mesne profits @ Rs.4,500/- per month. Further, the appellant has also been directed that in case, he delays in making the said payment, he will be liable to pay interest @ 12% p.a.

5. After some arguments, learned counsel for the appellant on instructions from the appellant prays for some reasonable time to vacate the suit property.
6. Learned counsel for the respondent, who appears on advance notice, submits that he has no objection to some reasonable time being granted to the appellant subject to the appellant filing an affidavit of undertaking to handover the vacant possession of the suit property to the respondent within the time as may be granted by this Court.
7. In the light of the aforesaid stand taken by the parties, we dispose of the appeal by granting the appellant time till 30.06.2025 to hand over the peaceful and vacant possession of the suit property to the respondent. This would, however, be subject to the appellant paying the pending arrears of rent/mesne profits in terms of the impugned order to the respondent within four weeks from today and continuing to pay mesne profits as also the up-to-date electricity and water charges in terms of the impugned order till the handing over of the peaceful and vacant possession of the suit property to the respondent. An affidavit of undertaking in this regard will be filed by the appellant within three weeks.
8. The appeal is, accordingly, disposed of by making it clear that this Court has found no merit in the appellant's challenge to the impugned order and therefore, subject to the appellant filing an undertaking in



terms of this order, the impugned judgment and decree will not be executable till 30.06.2025.

REKHA PALLI, J

SAURABH BANERJEE, J

OCTOBER 8, 2024
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