

(2017) 03 DEL CK 0156

In the Delhi High Court

Case No : 248 of 2017

ORIENTAL INSURANCE CO LTD

APPELLANT

Vs

USHA NAGAR & ORS

RESPONDENT

Date of Decision : 02-03-2017

Acts Referred:

Citation : (2017) 03 DEL CK 0156

Hon'ble Judges : Hima Kohli

Bench : SINGLE BENCH

Advocate : Satyajit Patra

Judgement

1. The appellant/defendant is aggrieved by the judgment dated 08.11.2016 passed by the learned trial court in a suit for recovery of possession, damages/ mesne profits etc. instituted by the respondents/plaintiffs.
2. The Court has carefully perused the impugned judgment and considered the arguments addressed by learned counsel for the appellant, but is not persuaded to issue notice.
3. At this stage, learned counsel for the appellant states that instead of pressing the appeal on merits, the appellant be granted a reasonable time of at least six months to vacate the suit premises.
4. In view of the submission made by the counsel for the appellant as recorded hereinabove, while disposing of the present appeal alongwith the pending applications, a limited notice is issued to the respondents on the timeline for the appellant to vacate the suit premises, by ordinary process and speed post, returnable on 13.04.2017.
5. The notices to be issued to the respondents shall indicate that they shall remain present on the next date. An officer competent to take a decision on behalf of the appellant shall also remain present on the next date.
6. In view of the fact that the impugned judgment impugns a money decree, it

has been enquired from the counsel for the appellant if the appellant has paid/ deposited the mesne profits/damages awarded in the impugned judgment, in favour of the respondents. He states that the said amount shall be deposited after making adjustment of the amounts already credited into the accounts of the respondents, if granted two weeks" time. Needful shall be done within the time sought alongwith a month wise statement of account.

7. For the period with effect from November, 2016 till the end of February, 2017, the appellant shall pay the arrears of the use and occupation charges @ Rs.1 lakh p.m. directly to the respondents within two weeks, after adjusting the amounts already paid and from March 2017 onwards, the appellant shall continue paying the use and occupation charges at the same rate to the respondents on a month to month basis on or before the tenth day of each calendar month.

8. Subject to the appellant making compliances of the aforesaid order within the stipulated timeline, operation of the impugned judgment and decree shall remain stayed.