

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8597/2013

(From the judgement and order dated 06/02/2013 in RFA No.184/2012 of the HIGH COURT OF DELHI AT NEW DELHI)

EARTHTECH ENTERPRISES LTD.

Petitioner(s)

VERSUS

KULJIT SINGH BUTALIA

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment and prayer for interim relief and office report)

Date: 01/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Anil Shrivastav,Adv.
 Mr. Arun Maitri,Adv.
 Mr. Parvinder Kuatea,Adv.
 Mr. Dinesh Sharma,Adv.

For Respondent(s) Mr. Daljit Singh,Sr.Adv.
 Ms. Vandana Sehgal,Adv.
 Mr. Rohan Thawani,Adv.
 Mr. Sourav,Adv.
 Mr. Hardeep Singh Anand,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

We see no reason to interfere with the impugned order. The special leave petition is dismissed.

The petitioner is, however, granted time till 31st of August, 2013 to vacate and handover the possession of the demised premises to the respondent subject to the following conditions:

- 1) The petitioner files an undertaking on usual terms in this Court within four weeks from today.
- 2) The petitioner deposits with the Trial Court mesne profits at the rate of Rs.50,000/- per month with effect from 1.9.2008 till the date of actual vacation of the premises inclusive of the deposits/payments, if any, made by him to the respondent towards rent for the said period.
- 3) Arrears till 28th February, 2013 shall be deposited within four weeks from today, while current compensation for use and occupation of the premises till the date of vacation, shall be deposited in the Trial Court on or before 15th of every calendar month.
- 4) Subject to the deposit made as indicated above, enquiry into the mesne profits ordered by the Trial Court shall stand finally concluded. In case, however, the deposit is not made, the decree passed by the Trial Court shall become executable forthwith and the enquiry initiated into the determination of mesne profits shall be resumed by the Trial Court and taken to its logical conclusion.

We make it clear that the decree passed by the Trial Court, as upheld by us, shall not affect any other claim which the parties may have against each other to be adjudicated by the appropriate Court.

(A.S. BISHT)
COURT MASTER

(VEENA KHERA)
COURT MASTER