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

\+ **RSA 103/2023 & CM APPL. 61804/2023**

PRATAP NARAIN VERMA ..... Appellant
Through: Mr. Mohd Zohaib, Advocate

versus

BHARAT BHUSHAN GUPTA & ANR. ..... Respondents
Through: Mr. Sanjeev Mahajan, Ms. Ruchira Gupta and Ms. Harshita Sharma, Advocates for R-1

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

O R D E R

% 30.11.2023

CM APPL. 61862/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

RSA 103/2023 & CM APPL. 61804/2023

1. Mr. Mohd. Zohaib, counsel for the Appellant, states on instructions that the Appellant is in exclusive possession of the property bearing Plot No. RZ 28, Indira Park Extn., near Hanuman Mandir, Uttam Nagar, New Delhi – 110049 ('suit property').

1.1. He undertakes to deposit a sum of Rs. 15,09,180/- (1st instalment) in the form of a demand draft on or before 08.12.2023 with the Registrar General of this Court.

1.2. He states that a further equal amount of Rs. 15,09,180/- (2nd instalment) will be deposited with the Registrar General of this Court on or

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before 04.01.2024.

1.3. He states that for the month of December, 2023, he will pay a sum of Rs. 42,868/-, on or before 08.12.2023, in the form of a demand draft with the Registrar General of this Court.

2. Learned counsel for the Respondent No. 1 states on instructions that subject to the Appellant making a deposit of 1st instalment and user charger for December 2023 on or before 08.12.2023, Respondent No. 1 will not proceed with the execution of warrants of attachment until the next date of hearing.

2.1. The counsel for Respondent No. 1 states that the calculation of Rs. 15,09,180/- will be filed with the Registry during the course of the day.

3. It is made clear that if the Appellant defaults in making the aforesaid payment on or before 08.12.2023, the Respondent No. 1 will be at liberty to proceed with the execution of warrants of possession issued by the Executing Court vide order dated 27.10.2023.

4. The Appellant has been undertaken to make the entire payment of the decretal amount as directed by the Trial Court at paragraphs 8.4.3 and 8.4.4 of the judgement dated 31.08.2021, in view of the fact that the Appellant asserts that he is in exclusive possession of the suit property and Respondent No. 2 is not in possession of the property.

5. List on 11.12.2023, the date already fixed.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 30, 2023/*rhc/aa*

Click here to check corrigendum, if any

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