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

+ RFA 24/2016

VEENA RANI

..... Appellant

Through : Mr. J.P. Malviya, Advocate with
appellant in person.

versus

SURENDER SHARMA

..... Respondent

Through : Mr. Aabhas Parimal, Advocate with
Ms. Rupali Sharma and Mr. Harshit Sharma
in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **21.11.2016**

**CMs No.37161/2016 (u/O XXII R-4 & 11 CPC) and 37162/2016 (for
condonation of delay)**

1. Notice was issued on these applications on 5.10.2016, returnable on 21.12.2016. In the meantime, the parties have filed a joint compromise application.
2. Counsel for the respondent enters appearance and states that he appears for the legal heirs of Smt. Anju Sharma, who is stated to have expired on 19.12.2015. He states that apart from Ms. Rupali Sharma and Mr. Harshit Sharma, there is no other legal heirs left behind by Smt. Anju Sharma and the original respondent (defendant in the suit), Shri Surender Sharma had expired during the pendency of the suit.

3. Counsel for the respondent states that he has no objection to both the applications being allowed.

4. For the reasons stated in the applications, the same are allowed. The delay of 34 days reckoned from 26.5.2016, the date of knowledge of the demise of Smt. Anju Sharma, is condoned and the remaining two legal heirs of the deceased Shri Surender Sharma and Smt. Anju Sharma, who have already been impleaded in the memo of parties as legal heirs No. (ii) and (iii) of the deceased respondents, are brought on record.

5. The applications are disposed of.

CM No.43158/2016 (joint application u/O XXIII R 3 CPC)

1. The present compromise application has been filed by the parties stating *inter alia* that during the pendency of the present proceedings, they have arrived at an out of court settlement.

2. It is stated by the counsels for the parties that the sale consideration of Rs.7.00 lacs in respect of the suit premises had already been paid to late Shri Surender Sharma at the time of execution of the Sale Deed dated 5.9.2011 and on the demise of both the parents of Smt. Rupali Sharma and Mr. Harshit Sharma, legal heirs No.(ii) and (iii) have received an additional sum of Rs.4.00 lacs from the appellant and have agreed to handover the vacant peaceful possession of the suit premises to the appellant. The keys of the suit premises are handed over by the respondents to the appellant, through counsel, and duly accepted.

3. Counsel for the appellant states that in view of the settlement arrived at between the parties, the appellant does not wish to pursue the present appeal any further for the remaining relief including damages.

4. The Court has pursued the present application. The same has been signed by the appellant and the respondents, apart from their respective counsels. The application is supported by the affidavits of the signatories to the application. Enclosed with the application is the power of attorney executed by the respondents in favour of their counsel.
5. As counsels for the appellant and the respondents jointly state that their clients have arrived at the aforesaid settlement of their own free will and volition and without any undue influence or coercion from any quarters, there appears no legal impediment in accepting the settlement. The parties shall remain bound by the terms and conditions of the settlement recorded in the application.
6. The appeal is disposed of in terms of the settlement arrived at and recorded in the application, while leaving the parties to bear their own costs.
7. The trial court record be sent back.
8. The date already fixed in the appeal, i.e., 21.2.2016 stands cancelled.
9. File be consigned to the record room.

HIMA KOHLI, J

NOVEMBER 21, 2016

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