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

+ RSA 57/2008

SHRI ROHTAS CHAND

..... Appellant

Through: Mr. Rajeev Sharma, Ms.
Radhalakshmi. R. Advocates.

versus

DINA NATH (DECEASED) THROUGH L.R'S & ORS

..... Respondents

Through: Mr. R.P.Sharma, Adv. for R-2(a)

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **18.10.2016**

1. This Regular Second Appeal was argued at length as noted in the yesterday's order dated 17.10.2016. Today, it is stated that respondents agree that the appeal be allowed but respondents be granted time up to 15.10.2021 to vacate the suit premises being 87 sq. yds. of land in Khasra No. 315, bearing Municipal No. 2365, Village Khampur, Patel Nagar, New Delhi. Appellant is agreeable to the aforesaid prayer made on behalf of the respondents to grant time. Respondents are the legal heirs of the original defendant no.2-Sh. Gulu Shah Khanna. Accordingly, while the appeal is allowed with consent and a decree is passed in favour of the appellant and

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against respondents with respect to the aforesaid suit property, however, respondents are granted time to vacate the suit premises on or before 15.10.2021 subject to the respondents filing the affidavits of undertakings within a period of two weeks to vacate the suit premises on or before 15.10.2021. Respondents will also clear all charges payable to the local authorities such as electricity department, water department etc till the time the respondents are in occupation of the suit premises.

2. At this stage, counsel who appears for the legal heirs of the deceased defendant no.2 Sh. Gulu Shah Khanna states that this appeal is contested only by Sh. Rajesh Khanna-respondent no.2(a) and who is only in possession of the suit premises and who accordingly undertakes to act for self and other respondents who have not appeared for handing over possession of the suit premises to the appellant.

3. It is also stated on behalf of respondent no.2(a) that other respondents being the daughters of Sh. Gulu Shah Khanna are not having any rights in the suit property. All these aspects will also be included in the undertakings.

4. In view of the above, this appeal is allowed and disposed of and

the judgment of the trial court dated 31.3.2005 is upheld but time is granted to the respondents to vacate the suit premises on or before 15.10.2021 subject to the aforesaid terms.

VALMIKI J. MEHTA, J

OCTOBER 18, 2016
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