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

+ RFA(OS) 19/2016

SUGHRA BI ALIAS SUGHRA BEGUM
(NOW DECEASED) THR LRS

..... Appellant

Represented by: Mr.S.D.Ansari, Advocate.

versus

TIRATH RAM SHAH
CHARITABLE TRUST & ORS

..... Respondents

Represented by: Mr.Ajay Kumar Tandon,
Advocate.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
10.08.2016

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RFA(OS) 19/2016

1. Learned counsel for the parties have shown to us an application signed by all appellants who are the legal heirs of Sughra Bi. As per the application various disputes between the parties have been settled. As per the application the instant appeal has to be disposed of as infructuous for the reason the appellants have agreed to handover vacant physical possession of the suit property to the respondents.

2. As per the settlement the respondents have to pay a sum of ₹11,50,000/- to appellant No.1: Iqbal Ahmad who, as per the settlement, would receive the cheque on behalf of all the appellants which will include legal heirs of one deceased appellant.

3. Learned counsel for the respondent has produced a cheque drawn in the name of Iqbal Ahmad. It is drawn on Axis Bank Ltd. It is dated August 10, 2016. It is in the sum of ₹11.5 lacs.
4. The cheque has to be handed over to Iqbal Ahmad simultaneously when vacant physical possession of the subject property shall be handed over to the representative of Tirath Ram Shah Charitable Trust.
5. Challenge in the appeal is to a decree dated November 02, 2015. Order XII Rule 6 of the Code of Civil Procedure has been availed of successfully by the respondents against the appellants.
6. In view of the settlement between the parties, the appeal is disposed of as infructuous without there being any order as to costs. The compromise application shall be filed in the suit which is still pending.

CM No.7716/2016

Dismissed as infructuous.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

AUGUST 10, 2016

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