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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CM(M) 636/2014 & C.M. No.10763/2014

PAWAN KUMAR JAIN & ORS

..... Petitioners

Through Mr. Anil Grover and Mr. Rakesh
Kumar Garg, Advs.

versus

INDU ROHTAGI & ANR

..... Respondents

Through Mr. K.K. Rohatgi, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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10.03.2016

After some arguments, learned counsel for the parties state that they have arrived at a broad spectrum of settlement. The terms are largely to the effect that since the petitioner is aggrieved by the fact that he has only access to the servant quarters and the overhead water tank on the second floor with no access to the toilet and bath (by the impugned order), this is causing a great hardship to him.

Contention of the respondent is that he is not being permitted to construct his terrace floor which right he has in terms of a sale deed by which he had purchased the terrace rights of the suit property. The interest of the petitioner can be protected if a sanction plan is obtained by the respondent to construct a floor on the terrace with the rider that the servant quarters including W.C and bath will be made available to the petitioner and he will also continue to have access to his overhead water tanks. The petitioner undertakes to cooperate with the respondent

and sign all the necessary documents which would be required for the construction by the respondent of his third floor. Parties have also agreed that the original area of the servant quarters shall be maintained. The area of toilet and bath catering to three servant quarters of which 2 servant quarters belong to the petitioner, it has been agreed that $\frac{2}{3}$ rd area of the W.C. and bath shall be given to the petitioner who may construct his own toilet for the benefit of his servants; $\frac{1}{3}$ rd of that area will be given to the respondent. The respondent also has no objection to the operation of the lift which is the common lift for all the parties and the AMC of the lift is admittedly being borne half-half by both the parties and they will continue to pay the same.

In view of the aforementioned settlement, the suit of the plaintiff stands decreed and disposed of.

Petition disposed of.

Order dasti under the signatures of the Court Master.

INDERMEET KAUR, J

MARCH 10, 2016

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