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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ EFA(OS) 11/2016 and CAV No. 330/2016 and CM
No.13729-13730/2016

USHA SHARMA & ORS Appellants

Through

versus

RAVINDER NATH SHARMA

..... Respondent

Through: Mr Nitin Soni and Mr Rishi Kapoor,
Adv, along with Mr S.C. Mathur, Attorney of
Respondent.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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28.04.2016

This appeal is directed against an order of the learned Single Judge in execution proceedings. The learned Single Judge had noticed that by previous judgment of 06.02.2014, the share of the parties in partition suit filed before it was declared to be 50% each. The suit property was converted from leasehold to freehold. One of the co-sharers applied for execution complaining non-cooperation by the other. In the circumstances, the learned Single Judge appointed Local Commissioner to conduct the auction for sale of the property and also made consequential directions. The appellant is aggrieved thereby.

On the first date of hearing the respondent was represented.

Learned counsel had requested for time submitting that the parties are likely to enter into an amicable arrangement. It is submitted today that the parties have since agreed on the terms under which the execution of the decree would be proceeded with; the agreement is embodied in Memorandum of Understanding (MoU) dated 25.04.2016 which is placed on the record. Learned counsel submits that the said MoU be made part of the order of the Court.

Having regard to the terms of the MoU which have been executed by the appellant and the respondent through its attorney Shri S.C. Mathur, this Court is satisfied that the said terms should be part of the order of the Court. The directions of the learned Single Judge shall stand modified in terms of the MoU. It is further directed that order of the learned Single Judge shall be kept in abeyance for three months to enable the parties to proceed firstly in accordance with the MoU and thereafter in case of failure alone would the Local Commissioner proceed in terms of the order. It is directed accordingly.

The appeal is partly allowed in the above terms.

Pending applications also stand disposed of and caveat stands discharged.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

APRIL 28, 2016/bg