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

+ RFA 315/2016

PREM CHAND

..... Appellant

Through: Mr. Ashwani Kumar Goel and Mr.
Rajeev Kumar, Advs.

Versus

BAPTIST CHURCH TRUST
ASSOCIATION & ANR

..... Respondents

Through: Mr. Mohit Gupta and Mr. Vipin
Yadav, Advs. for R-1 & 2 with Mr.
Joy S. Singh, Secretary of R-1 and
Mr. Solomon David, Secretary of
R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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13.05.2016

Caveat No.411/2016

1. The counsel for the caveators / respondents appears.
2. The caveat stands discharged.

CM No.18250/2016 (for exemption)

3. Allowed, subject to just exceptions.
4. The application is disposed of.

RFA 315/2016 & CM No.18249/2016 (for stay)

5. This first appeal under Section 96 of the Code of Civil Procedure, 1908 (CPC) impugns the judgment and decree dated 30th January, 2016, on admissions of recovery of possession of immovable property, of the Court of Additional District Judge (ADJ)-03, (Central), Tis Hazari Courts, Delhi.

6. The counsel for the appellant states that the appellant is not interested in retaining possession and is willing to return possession but the suit has not been filed by the duly authorised person on behalf of the respondents/plaintiffs and the persons acting on behalf of the respondents/plaintiffs who have filed the suit are land grabbers and want to appropriate the land. It is also stated that the said dispute is subject matter of RFA No.132/2015 titled ***Baptist Union of North India Vs. Walter David*** listed before this Court for consideration on 17th January, 2017.

7. The counsel for the respondents Baptist Church Trust Association (BCTA) and Baptist Union of North India (BUNI) controverts that there is any dispute with respect to the management of the respondent No.1 BCTA and contends that the dispute with respect to the management is only of the respondent No.2 BUNI.

8. On further enquiry, the counsel for the respondents states that the property of which possession is to be recovered from the appellant, if delivered by the appellant, is not intended to be dealt with and will be retained in the same position till appropriate directions are obtained in RFA No.132/2015. It is further stated that the respondents will not alienate, encumber or part with possession of the said property and will hold the same in trust.

9. The counsel for the appellant seeks one month's time to vacate the property in terms of the impugned judgment and decree.

10. Allowed.

11. The undertaking of the appellant through counsel to hand over vacant, peaceful and physical possession of the entire portion of property No.3367,

Gali No.2, Baptist Church, Christian Colony, Karol Bagh, New Delhi is accepted and the appellant is ordered to be bound thereby and has been through counsel explained the consequences of breach of undertaking given to the Court.

12. The appeal is accordingly dismissed, however (i) binding the respondents with the statement aforesaid of their counsel and granting time to the appellant to vacate the property as aforesaid on or before 12th June, 2016; and, (ii) directing the appellant to hand over vacant, peaceful and physical possession of the property aforesaid to Mr. Joy S. Singh, Secretary of respondent No.1 BCTA or Mr. Solomon David, Secretary of respondent No.2 BUNI.

No costs.

Decree sheet be drawn up.

RAJIV SAHAI ENDLAW, J.

MAY 13, 2016

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