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

+ RSA 183/2013

CHAND BABU

..... Appellant

Through: Mr.Jagdish Rajput, Advocate.

versus

AJAY VINAYAK & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **14.03.2017**

CM No.9904/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

CM No.9903/2017

1. This is an application moved on behalf of the appellant/applicant praying for issuance of directions to the respondent No.1 and his father to comply with the order dated 03rd November, 2016.
2. Heard. Vide order dated 03rd November, 2016 the appeal was disposed of by passing a consent and compromise order, which reads as under:-

'1. Today, these matters were listed in the category of 'Directions' for further arguments after the judgment was reserved yesterday i.e. on 2.11.2016.

2. Today, counsels for the parties state that the appeals be disposed of by a compromise and consent order whereby it would be held that the appellant/plaintiff/Sh. Chand Babu

would be the owner of the suit property which is the northern side portion of property bearing no.16-B/11, Dev Nagar, New Delhi and portion of his property being the ground floor portion in occupation of defendant no. 1/respondent no. 1/Sh. Ajay Vinayak and his father Sh. Purshottam Vinayak would be vacated by these persons and actual physical vacant possession handed over to appellant/plaintiff/Sh. Chand Babu on or before 31.1.2017. It is also agreed that in case the appellant/plaintiff receives vacant physical possession of the suit property on or before 31.1.2017 then in such a case the appellant/plaintiff waives his claim for damages as awarded by the trial court.

3. *Accordingly, these appeals are disposed of by a consent and compromise order whereby appellant/plaintiff/Sh. Chand Babu is declared to be the owner of the entire property being the northern side portion of property bearing no.16-B/11, Dev Nagar, New Delhi, and the portion of this property being the ground floor portion which is in occupation of respondent no. 1/defendant no. 1 and his family members will be vacated and actual physical vacant possession of this portion will be handed over to the appellant/plaintiff/Sh. Chand Babu on or before 31.1.2017. All the charges towards electricity and water payable with respect to the suit premises will be cleared before handing over vacant physical possession of the suit premises to the appellant/plaintiff/Sh. Chand Babu.*

4. *Let respondent no. 1/defendant no. 1/Sh. Ajay Vinayak and his father, namely, Sh. Purshottam Vinayak file their respective affidavits of undertakings in this Court in terms of the present order within a period of one week from today and on these persons filing their affidavits of undertakings in terms of the present order, the appeals would stand disposed of in terms of the present compromise and consent order.'*

3. Thereafter, the prayer made by the respondents by filing CM No.3464/2017 for extension of time for a further period of three months to vacate the suit premises has been dismissed vide order dated 27th January, 2017.

4. Now the appellant/applicant has filed this application for issuance of directions to the respondents to comply with the order dated 03rd November, 2016.
5. Since the respondents have not complied with the order dated 03rd November, 2016, the appellant/applicant is at liberty to seek execution of the order dated 03rd November, 2016.
6. The application is dismissed.

PRATIBHA RANI, J.

MARCH 14, 2017

'st'