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

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W.P.(C) 4101/2016 &amp; CM APPLs. 17280-17281/2016

TARUN SHARMA &amp; ANR.

Through

..... Petitioners

Mr. Sandeep Vishnu with Ms. Mahak  
Gupta, Advocates

versus

GOVT OF NCT OF DELHI &amp; ORS. .... Respondents

Through

Mr. Pankaj Sinha, Advocate for  
GNCTD.**CORAM:****HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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**10.05.2016**

On the oral prayer of learned counsel for petitioner, respondent no. 1- GNCTD is deleted from the array of parties. Let an amended memo of parties be filed within one week.

It is pertinent to mention that present writ petition has been filed challenging the order dated 30<sup>th</sup> September, 2015 whereby the Maintenance Tribunal for Senior Citizens, Dist. South West [for short "Tribunal"] has directed the petitioners to pay Rs. 20,000/- per month as maintenance to the respondent nos. 2 and 3.

Petitioners further challenge notice dated 31<sup>st</sup> March, 2016 whereby the Tribunal has directed the petitioners to deposit Rs. 60,000/- on account of rent.

Learned counsel for the petitioners states that the petitioners had entered into a Memorandum of Understanding with the respondent nos. 2 and 3 whereunder they have paid Rs. 26,70,000/- to respondent nos. 2 and 3 as against the agreed amount of Rs. 26,50,000/- in full and final settlement.

Learned counsel for the petitioners further states that the said fact was brought to the notice of the Tribunal and a copy of Memorandum of Understanding/Settlement was taken on record vide order dated 9<sup>th</sup> September, 2015.

It is the case of the petitioners that the Tribunal being fully aware of the settlement between the parties could not have directed the petitioners to make any further payment.

Keeping in view the aforesaid, this Court directs the petitioners to file an application for recall of the order dated 30<sup>th</sup> September, 2015 and notice dated 31<sup>st</sup> March, 2016. Till the said application is decided, neither the impugned order dated 30<sup>th</sup> September, 2015 and Notice dated 31<sup>st</sup> March, 2016 shall be given effect to nor any coercive action shall be taken against the petitioner.

However, it is clarified that this Court has not expressed any opinion on the merits of the controversy and rights and contentions of all parties are left open.

With the aforesaid directions, present writ petition and applications stand disposed of.

Order dasti under signature of Court Master.

**MANMOHAN, J**

**MAY 10, 2016**

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