

\$~8

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

+ RSA 161/2016 and C.M. No.22841/2016 (stay)

NAND LAL RAO

..... Appellant

Through: Mr. Anand Yadav, Advocate with
Ms. Anita Tomar, Advocate.

versus

TARESH & ORS

..... Respondents

Through: Mr. Sumit Arora, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **27.10.2016**

1. After detailed arguments were heard in this appeal, counsel for the parties, on instructions from the parties who are present in person, agree that this Regular Second Appeal be and is accordingly disposed of by consent and a compromise order and by giving the directions as stated hereinafter:-

(i) The subject suit which has resulted into this RSA will now be tried afresh by giving permission to the appellant/plaintiff to amend the plaint so as to add any factual details required to establish the title and possession of the appellant/plaintiff of the suit land, and which is the case of

the appellant/plaintiff.

(ii) Respondents/defendants will have a right to contest the case by filing their written statement.

(iii) After completion of pleadings, issues will be framed and both the parties will lead evidences in support of their cases and the suit will thereafter be decided at the stage of final arguments in accordance with law.

(iv) The present suit will stand consolidated for trial with another suit which was originally given number 231/2010 (having unique I.D. No.024040005979) titled as ***Taresh Vs. Sh. Nand Lal Rao*** and which is presently pending disposal in the Court of Ms. Sonam Gupta, Civil Judge, Rohini Courts, Delhi. The present suit is consolidated with suit no. 231/2010 (having unique I.D. No.024040005979) for the purpose of trial, however, separate judgments will be passed in both the suits i.e the present suit from which this RSA arises and suit no. 231/2010 (having unique I.D. No.024040005979).

(v) It is agreed that the subject suit from which the present RSA arises being suit no.87/2010 having Unique I.D. No.02401C0203762010 titled as ***Sh. Nand Lal Rao Vs. Sh. Taresh and Others*** will stand transferred

for being decided with the suit no. 231/2010 (having unique I.D. No.024040005979) within the jurisdiction of District & Sessions Judge (North West), Rohini Courts, Delhi and the record of the present suit no.87/2010 having Unique I.D. No.02401C0203762010 titled as ***Sh. Nand Lal Rao Vs. Sh. Taresh and Others*** will be transferred by the concerned court to the competent court which will hear and decide the erstwhile suit no. 231/2010 (having unique I.D. No.024040005979) titled as ***Taresh Vs. Sh. Nand Lal Rao.***

(vi) It is also agreed that both the parties will maintain status quo with respect to the suit plot no.F-139A in Khasra No.620-624 Village Kirari, Aman Vihar, Delhi admeasuring 130 sq yds in that none of the parties will enter into possession of the same or will make any construction on the same and possession of this property will follow title i.e in whose name the title or entitlement is declared as rights-holder of this property in the aforesaid two suits.

2. Parties to appear before the District & Sessions Judge, North West, Rohini Courts, Delhi on 30th November, 2016 and the District & Sessions Judge will mark the present suit bearing no. 87/2010 having

Unique I.D. No.02401C0203762010 titled as ***Sh. Nand Lal Rao Vs. Sh. Taresh and Others*** and the suit bearing no. 231/2010 (having unique I.D. No.024040005979) for disposal to a competent court in accordance with law and the observations made in the present order.

3. The present appeal is disposed of in terms of aforesaid observations, leaving the parties to bear their own costs.

4. Dasti to counsels for the parties.

VALMIKI J. MEHTA, J

OCTOBER 27, 2016
Ne