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

+ RFA 898/2016

SUNITA DEVI

..... Appellant

Through: Mr. Abhimanyu Sharma, Advocate

versus

VEERMA DEVI & ANR

..... Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

21.11.2016

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1. The appellant has filed the present appeal against the judgment and decree dated 05.07.2016 passed by the trial court in a suit for possession, damages and *mesne* profits instituted by the respondent No.1 (mother-in-law of the appellant and mother of the respondent No.2) in respect of the suit premises. Vide the impugned judgment, the trial court has decreed the suit for possession and permanent injunction in favour of the respondent No.1 and directed the appellant No.1 and the respondent No.2 to pay damages/mesne profits to the respondent No.1 @ 1,000/- per month from the date of institution of the suit till the date of handing over possession alongwith interest @ 8% per annum.

2. Counsel for the appellant has addressed arguments for some time but has not been able to persuade the Court to interfere as no error in appreciation of the evidence and the findings returned by the trial court has been pointed out.

3. At the request of the counsel for the appellant, the matter was passed over to enable him to obtain instructions from his client if she and her husband (respondent No.2 herein) would be willing to vacate the suit premises if granted some reasonable time.

4. On pass over, counsel for the appellant states that he has instructions to withdraw the present appeal while reserving the right of his client to file a suit against the respondent No.1 for recovery of money that the appellant and respondent No.2 had allegedly invested in the suit premises.

5. The appeal is dismissed as withdrawn alongwith the pending applications with liberty granted to the appellant to seek her remedies against the respondent No.1, as may be permissible in law. It is however made clear, that this Court has not expressed any opinion on the maintainability or the merits of the claim of the appellant as sought to be raised against the respondent No.1 in fresh legal proceedings.

NOVEMBER 21, 2016

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HIMA KOHLI, J