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

+ RFA 854/2016 & CM 40578/2016

POONAM DAVID MASSEY & ORS

..... Appellants

Through : Mr. Sunil Goyal, Advocate with
appellant in person.

versus

THE DEACON COMMITTEE OF THE CENTRAL BAPTIST
CHURCH & ORS

..... Respondents

Through : Mr. G.B. Sewak, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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02.12.2016

1. Pursuant to the limited notice issued to the respondent after the appeal was dismissed as not pressed by counsel for the appellant on 02.11.2016, learned counsel enters appearance on behalf of the respondents and states that he shall be filing his power of attorney in the course of the day.
2. Both the parties have interacted with each other and they have agreed on the following terms of settlement:-
 - a) It has been agreed that the appellants shall be permitted to occupy the suit premises till 30.5.2017.
 - b) During the said duration, the appellants shall continue paying the electricity and water charges in respect of the suit premises.
 - c) The appellants shall pay to the respondent No.1, the decretal amount of Rs.3.41 lacs towards the use and occupation charges including the

electricity and water charges in respect of the suit premises in four instalments in the following manner :

- i) the first instalment of Rs.1.00 lac shall be paid by the appellant to the respondent No.1 on or before 10.1.2017.
 - ii) the second instalment of Rs.75,000/- shall be paid on or before 10.2.2017,
 - (iii) the third instalment of Rs.75,000/- shall be paid on or before 10.3.2017,
 - iv) the fourth and final instalment for the balance amount of Rs.91,000/- shall be paid on or before 10.4.2017.
- d) The appellants shall continue paying a sum of Rs.2,500/- per month to the respondent No.1 w.e.f. November, 2016 onwards. The arrears for the said month along with the use and occupation charges for the month of December, 2016 shall be paid on or before 10.12.2016.
- e) The appellants shall continue paying the use and occupation charges to the respondents at the rate mentioned above on a month to month basis, on or before the 10th day of each calendar month till they hand over vacant peaceful possession of the suit premises to the respondent No.1.
- f) The appellants shall undertake that they shall not part with possession or create any third party interest in respect of the suit premises while in possession thereof.
3. Affidavits shall be filed by each of the appellants within two weeks, undertaking *inter alia* to abide by the terms and conditions of settlement, as recorded above.

4. The appeal is accordingly disposed of in view of the consent order passed herein above, along with the pending application.

HIMA KOHLI, J

DECEMBER 02, 2016

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