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

+ RSA 17/2016, CM Nos.1675/2016 & 1676/2016

HARPREET SINGH CHAWLA & ANR Appellants

Through: Appellant No.1 in person.

versus

JASBIR SINGH & ORS Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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21.12.2016

CM No.1675/2016

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

CM No.1676/2016

1. For the reasons stated in the application, 17 days' delay in re-filing the appeal is condoned.
2. Application is disposed of.

RSA No.17/2016

1. Appellant No.1 is present in person.
2. Perusal of the record reveals that in the proceedings dated 26th February, 2016 this Court noted as under:-

'The Trial Court on consideration of the materials, evidence and rival contentions of the parties, came to the finding that the vendor had not authorised anyone of the parties to build a new staircase. The Trial Court also returned a finding that there is no difficulty for the appellants/plaintiffs in

accessing their portion of building because one staircase is already available in the back portion of the house. The defendants could not have been asked, without their consent, to permit the appellants/plaintiffs to make any construction whatsoever for any purpose, in their part of the property over which they are coming in the exclusive possession over a period of time.

The suit was dismissed.

The First Appellate Court agreed with the findings of the Trial Court and dismissed the appeal.

No substantial question of law has been raised by the appellants for entertaining the second appeal.

However, it has been submitted that since the appellants and respondents hail from the same stock of family, there could be a possibility of settlement and it would only be in the interest of appellants and respondents that the members of a family settle their disputes amicably, as it would avoid any further litigation.

For the limited purpose thereof i.e. to explore the possibility of an amicable settlement between the appellants and the respondents, this Court is inclined to issue notice to the respondents.

Issue notice to the respondents on steps being taken by the appellants for issuance of such notice within a period of two weeks from today, returnable on 24.05.2016.'

3. Appellant No.1 submits that settlement could not take place and he may be permitted to withdraw this appeal.
4. This Court, in the proceedings dated 26th February, 2016 has already noted that no substantial question of law arises in this appeal.
5. Accordingly, this Regular Second Appeal is dismissed.

PRATIBHA RANI, J.

DECEMBER 21, 2016/ 'st'