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

+ RFA 130/2017 and CM APPL. 4423-4424/2017

GANGA PRASAD TIWARI & ANR Appellants
Through: Mr. Sushil Kumar Singh, Advocate with
appellants in person.

versus

ALL INDIA WOMENS CONFERENCE Respondent
Through: Mr. Hemant Kumar Yadav, Advocate
with Ms. Rakesh Dhawan, President and Ms.
Kalyani Raj, General Secretary of the respondent
in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **02.03.2017**

1. This order is in continuation of the order dated 03.02.2017, on which date the appeal was disposed of at the request of the counsel for the appellants, who had confined the relief to being granted a reasonable time to vacate the suit premises. A limited notice on the aforesaid aspect was issued to the respondent, returnable for today.
2. Counsel for the appellants states that a sum of Rs.30,000/- that he had agreed to pay to the respondent has been tendered and received by the respondent in the execution proceedings, which fact is confirmed by the counsel for the respondent.

3. Learned counsel for the respondent submits that prior to 03.02.2017, the date on which the present appeal was listed for admission, the respondent had already received partial possession of the gallery and varandah of the suit premises in the execution proceedings through a Bailiff. However, the remaining portion is still in the possession of the appellants. The said position is confirmed by the other side.

4. Counsel for the appellant states on instructions that the appellants are financial stressed and would not be in a position to pay the entire decretal amount at one go. He requests that the decretal amount may be permitted to be paid in instalments.

5. Both the parties have interacted with each other and the court and a settlement had been arrived at. Accordingly, with the consent of the parties, the following order is passed:-

- (i) The appellants shall remain in occupation of the remaining portion of the suit premises till 31.8.2017 and hand over vacant peaceful possession thereof to the respondent through its President, on or before 31.08.2017. In this duration, the appellants shall continue paying the use and occupation charges @ Rs.3,000/- per month on or before the tenth day of each calendar month, commencing from 10.03.2017.
- (ii) The appellants shall pay to the respondents, the arrears of the use and occupation charges reckoned from 01.09.2016 till 28.02.2017 @ Rs.3,000/- per month within two weeks from today.

- (iii) As for the outstanding decretal amount, after adjustment of Rs.30,000/- that the appellants have paid to the respondent in the execution proceedings, which stands reduced to Rs.2,70,000/- excluding the interest component awarded by the trial court, the appellants undertake that the said amount alongwith interest shall be paid to the respondent in five equal monthly instalments on 15.03.2017, 15.04.2017, 15.05.2017, 15.06.2017 and 15.07.2017.
- (iv) The appellants further agree that in the event of any two consecutive defaults, the respondent shall be entitled to seek execution of the impugned judgment and decree in accordance with law.
- (v) The appellants undertake to maintain status quo with regard to the possession of the suit premises till they hand over vacant peaceful possession thereof to the respondent.
- (vi) The appellants also undertake that they shall not create any nuisance in the suit premises, which is a part of a Women's hostel.
6. In token of acceptance of the terms and conditions of the settlement as recorded above, the appellants and the respondent as also they respective counsels have affixed their signatures on the margin of the order sheet.

HIMA KOHLI, J

MARCH 02, 2017

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