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

+ **FAO 11/2007**

S. SURJIT SINGH

..... Appellant

Through: Ms. Sonali Malhotra and Mr. Amit Sanduja, Advocates.
Smt. Ranjeet Kaur and Mr. Gurmeet Singh, Appellants in person.

versus

STATE AND ORS.

..... Respondents

Through: Mr. Anil Kr. Bhasin, Adv.
Ms. Janwinder Kaur and Mr. Mandeep Singh, respondents in person.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **10.07.2017**

1. In the present appeal the appellant and the contesting respondent have died and they are now substituted by their legal heirs.

2. Counsels for the parties, on instructions from their respective parties, state that the present appeal be disposed of in terms of the following consent order:-

(i) The appeal and the objections filed by the appellants in the court below will be treated as not pressed and the impugned judgment dated 13.9.2006 is sustained.

(ii) The legal heirs of respondent no.2 will give a sum of Rs.3,25,000/- to the two appellants who are the legal heirs of the original deceased appellant in equal shares and the total amount of Rs.3,25,000/- will be paid to the two appellants on or before 31.12.2017.

(iii) On receipt of the amount of Rs. 3,25,000/- by the present appellants, appellants will give up any claims whatsoever and any rights whatsoever to the estate of the deceased Sh. Kehar Singh including the property no.1013, Rani Bagh, Shakurbasti, Delhi-110034. However, appellants are in possession of one room set on the first floor in this property and appellants will continue to be in possession of this property but will handover vacant physical possession of this one room set to the L.Rs of respondent no.2 simultaneously to the receipt of Rs.3,25,000/-.

(iv) The amount of Rs.3,25,000/- to be shared and paid equally between the two appellants will be in terms of banking instruments in favour of the two appellants and can be paid to the appellants either directly or through their counsel who appears in Court today. In case of any difficulty the amount can also be deposited in this Court.

(v) There is a civil suit pending between the parties with respect to the one room set on the first floor of the Rani Bagh property and this suit will be

withdrawn by the legal heirs of the deceased respondent no.2 or since the same is adjourned sine die the same will be treated as disposed of as not pressed at the stage of the receiving of the one room set on the first floor of the property.

(vi) The amount of Rs.3,25,000/- can be paid wholly or by way of instalments on or before 31.12.2017.

3. The appeal is disposed of accordingly with the aforesaid observations.

VALMIKI J. MEHTA, J

JULY 10, 2017

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