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

+ RSA 63/2017 & CM No.7505/2017

SUSHMITA BHOWMICK & ANR

..... Appellants

Through : Mr.Ajay Ver, Mr.Sanjay Kumar and
Ms.Katyayini, Advocates.

versus

SONIA NAGAR & ORS

..... Respondents

Through : Mr.B.P.Lathwal and Mr.Y.R.Sharma,
Advocates for R-1 to R-3.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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08.03.2017

RSA 63/2017

1. By filing the instant Regular Second Appeal under Section 100 of Code of Civil Procedure, the appellants are impugning the concurrent findings of the Courts below i.e. order dated 19th December, 2016 passed by the First Appellate Court and order dated 25th April, 2016 passed by learned Trial Court whereby the Civil Suit No.56/2015 filed by the respondents No.1 to 3 herein seeking the relief of possession and recovery of arrears of rent and electricity & water charges has been decreed.

2. On the last date of hearing i.e. on 27th February, 2017 while issuing limited notice to the respondents, following order was passed:-

'1. Counsel as above appears for the appellants with the appellant No.1 in person.

2. *After some arguments on not being able to convince the Court that the instant appeal raises a substantial question of law, the appellant No.1 who is present in person sought permission to make her submissions.*

3. *The appellant No.1 submits that she does not want to press the appeal on merits, her request is limited to the extent that she be given two month time to vacate.*

4. *Limited notice to the above extent be issued to respondent, returnable for 8th March, 2017.*

5. *In the meantime status quo be maintained by the parties.*

6. *Copy of the order be given dasti under the signatures of the Court Master.'*

3. Notice sent to the respondents No.1 to 3 received back duly served. However, respondent No.4 is reported to have unserved.

4. Mr.B.P.Lathwal, learned counsel for respondent No.1 to 3 is present and submits that respondent No.4 has nothing to do with this case and even respondent No.4 was not a party before the learned Trial Court.

5. Learned counsel for the appellants admits that respondent No.4 was not a party before the learned Trial Court.

6. In the given circumstances, name of respondent No.4 is deleted from the array of parties. Amended memo of parties be filed by the appellant within two weeks.

7. Mr.Ajay Verma, Advocate for the appellants, on instructions, submits that the appellants do not press this appeal but only request that two months time may be given to vacate the suit premises. He further submits that the appellants shall also clear all the dues towards arrears of rent and electricity and water charges before having over the vacant and peaceful possession of

the suit premises to the respondents No.1 to 3.

8. Learned counsel for respondents No.1 to 3 submits that he has no objection if two months time is granted to the appellants to vacate the suit premises and also to clear the outstanding dues.

9. In view of the submissions made above, the appeal is dismissed as not pressed. The appellants are directed to file their respective affidavits within three days undertaking to vacate the suit premises within two months from today i.e. on or before 7th May, 2017 and also to clear the dues towards arrears of rent and electricity and water charges.

10. It is made clear that if the appellants fail to file their affidavits within three days, the respondents No.1 to 3 shall be entitled to get the decree executed forthwith.

11. As prayed, copy of the order be given dasti to learned counsel for the parties.

CM No.7505/2017 (stay)

Since the appeal has been disposed of, the instant application is dismissed as having become infructuous.

PRATIBHA RANI, J.

MARCH 08, 2017

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