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

+ **RFA 405/2016 & CM No.22062/2016**

KISHAN & ANR.

. Appellants

Through: Mr. Rama Shanker and
Mr. Shivom Garg, Advocates with appellant No.1
in person

versus

ANGOORI DEVI

..... Respondent

Through: Mr. Rohan Kanhai, Advocate with
respondent in person

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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06.01.2017

1. As per the impugned judgment dated 4.3.2016, the appellants/defendants were directed to hand over vacant peaceful possession of the suit premises to the respondent/plaintiff (mother/mother-in-law) and further, pay a sum of Rs.1,000/- p.m. to her from the date of institution of the suit, i.e., 29.9.2014, till the date of handing over possession. Additionally, costs of the suit were granted in favour of the respondent/plaintiff.

2. Vide order dated 31.5.2016, the predecessor Bench had observed that there is no error in the impugned judgment and decree for the appeal to be entertained and it would only cause harassment to the respondent who is the mother/mother-in-law of the appellants and is residing in the same property as it would lead day to day bickering and increased acrimony between the parties.

3. At that stage, learned counsel for the appellant had confined the relief in the appeal to an attempt to arrive at a settlement with the respondent and for seeking time to vacate the suit premises. As a result, a limited notice was issued on the aforesaid aspect to the respondent.
4. The respondent along with her counsel is present and states that subject to the appellants agreeing to hand over vacant peaceful possession of the suit premises to her on or before 31.3.2017, and paying the entire amount decreed in her favour by the said date, she is ready and willing to permit them to occupy the suit premises till the said date.
5. Learned counsel for the appellants however states on instructions from the appellant No.1, that his client is not willing to pay any amount to the respondent towards the money decree.
6. The respondent is not agreeable to forego the decretal amount.
7. As a result, no settlement can be arrived at between the parties. The predecessor Bench having already observed that there is no ground to entertain the present appeal, the same is accordingly dismissed along with pending application.
8. The respondent shall be at liberty to seek execution of the judgment and decree, in accordance with law.

HIMA KOHLI, J

JANUARY 06, 2017

mk/ap