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

+ RFA 438/2016

SANJAY KUMAR & ANR

..... Appellants

Through: Mr. Joby P. Varghese, Advocate with
appellants in person.

versus

KAMLA DEVI

..... Respondent

Through: Mr. Raj Kumar Bhartiya, Advocate with
respondent in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

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15.02.2017

1. The appellants (husband and wife) are aggrieved by the judgment dated 09.03.2016 passed by the learned trial court in a suit for possession and permanent injunction instituted against them by the respondent (mother of the appellant No.1 and mother-in-law of the appellant No.2) in respect of the first floor of premises bearing No.X-1711, Gali No.17, Rajgarh Colony, Delhi. Under the impugned judgment and decree, the trial court has passed a decree of possession in respect of the suit premises in favour of the respondent and also restrained the appellants from creating any third party interest in the suit premises.

2. On the last date of hearing, the matter was adjourned with directions to the parties to appear in person, for this Court to explore the possibility of

an amicable settlement between them. Pursuant to the said order, the appellants and the respondent are present. After an interaction with the counsels and the parties, it has been agreed that if the appellants are granted a reasonable time upto 31.05.2017, they would hand over vacant peaceful possession of the first floor of the suit premises to the respondent.

3. Counsel for the respondent states that though the impugned judgment and decree dated 09.03.2016 was not stayed in appeal, the appellants have been continuing to occupy the suit premises without paying the respondent any use and occupation charges in respect thereof.

4. Counsel for the appellants states that the appellant No.1 is the sole earning member of the family and he gives private tuitions, which is hardly sufficient to sustain the family.

5. Counsel for the respondent responds by stating that if the appellants agree to adhere to the timeline for vacating the suit premises on or before 31.05.2017, then the respondent shall not press for the use and occupation charges.

6. Accordingly, with the consent of the parties, the present appeal is disposed of. The appellants shall hand over vacant peaceful possession of the first floor of the suit premises to the respondent on or before 31.05.2017. It is agreed that if the appellants fail to do so on or before 31.05.2017, the respondent shall be entitled to seek execution of the impugned judgment and decree in accordance with law and at that time, she shall also be entitled to claim use and occupation charges in respect of the suit premises from the date of passing of the impugned judgment and decree, till the possession of the suit premises is handed over to her.

7. 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.
8. File be consigned to the record room.

HIMA KOHLI, J

FEBRUARY 15, 2017

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