

\$~24

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

+ RSA 144/2017

VED PRAKASH MIGLANI

..... Appellant

Through: Mr. Rajeev Virmani, Senior Advocate
with Mr. Pramod Ahuja, Advocate
and Ms. Amita Sachdeva, Advocate.

versus

PREM PRAKASH MIGLANI

..... Respondent

Through: Respondent in person.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **19.05.2017**

Caveat No.498/2017

1. Respondent appears in person. Caveat accordingly stands discharged.

C.M. No.19232/2017 (under Section 149 CPC)

2. This application is disposed of as not pressed as counsel for the appellant says that the deficiency in court fees will be made good during the course of the day.

C.M. stands disposed of.

RSA No.144/2017

page 1 of 4

C.M. No.19180/2017 (exemption)

3. Exemption allowed subject to just exceptions.

C.M. stands disposed of.

+RSA No.144/2017 and C.M. No.19181/2017 (stay)

4. This matter was argued at length. All the issues urged on behalf of the appellant were heard and considered. Respondent/plaintiff appears in person and has also made some arguments.

5. At this stage, however, it is agreed that instead of inviting a judgment, the present appeal be disposed of as compromised as per the terms stated hereinafter:-

(i) It is agreed and the appeal is accordingly disposed of as not pressed whereby the judgment of the courts below of the trial court dated 11.8.2004 and the first appellate court dated 19.4.2017 are sustained except that costs imposed of Rs.2 lacs by the first appellate court are waived and will not be paid by the appellant to the respondent.

(ii) The appellant agrees that appellant lays no claim over the suit property and the judgments of the court below will be sustained but appellant prays for and it is agreed that appellant is granted a period of five

years from today to vacate the suit premises which is in his possession being part of property no.B-79, Sharda Puri, Village Basai Darapur, Delhi and as shown in the red colour in the site plan annexed to the plaint.

(iii) Appellant will abide by and pay the money decree amount as decreed by the first appellate court's judgment and decree dated 19.4.2017. Arrears will be cleared within a period of three months from today and future payments month by month will be made by the 30th of every month.

(iv) Appellant will also clear all electricity charges, water charges and any other charges payable to the local authorities till the appellant remains in possession of the suit premises.

(v) Appellant is present in person and appellant will have benefit of the present order with respect to time for vacating the suit premises subject to the appellant filing in this Court an affidavit of undertaking within two weeks in terms of the present order. Appellant on filing the undertaking and complying with the terms of the same will not be evicted from the suit premises till a period of five years from today.

6. Appeal is accordingly disposed of in terms of aforesaid consent order.

7. Dasti to the parties.

VALMIKI J. MEHTA, J

MAY 19, 2017

Ne

RSA No.144/2017

page 4 of 4