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

+ **RSA 296/2016**

KAVITA CHHABRA

..... Appellant

Through: Mr.J.M.Kalia & Ms.Bhawna Garg,
Advocates with appellant in person

versus

SANJEEV KUMAR JAIN & ORS

..... Respondents

Through: Mr.Rajeev Kumar, Advocate with
respondents in person

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.01.2017

1. In view of the understanding arrived at between the parties recorded on the last date of hearing i.e. 13th January, 2017, the respondents have filed their affidavit-cum-undertaking agreeing to the terms and conditions settled on the last date of hearing before the Court.

2. On the last date of hearing, the following order has been passed:-

“1. When the matter was taken up at the first call, learned counsel for the parties sought pass over to explore the possibility of settlement, if any, between the parties.

2. At the second call, learned counsel for the parties submit that after some discussion, the parties have agreed to settle the matter on following terms:-

(i) The respondents shall handover to the appellant the vacant and peaceful possession of the suit property on or before 31st October, 2017 and clear all outstanding dues, if any, payable by that time.

(ii) The respondents shall continue paying ₹700/- per month

to the appellant towards use and occupation charges till 31st October, 2017.

(iii) The respondents shall also continue paying water and electricity charges as well any other charges payable by them during the above period.

(iv) The appellant can withdraw the amount deposited under Section 27 of Delhi Rent Control Act by the respondents with learned ARC towards arrears of rent.

(v) The respondents shall also clear the arrears if found to be due from them within four weeks from today.

3. Respondent No.3 Sh.Sambhav Jain informed that his father i.e. respondent No.1 Sh.Sanjeev Kumar Jain is not present today due to illness.

4. The Respondents are directed to file the affidavit-cum-undertaking in above terms with the Registry within a week.

5. At request, re-notify for 27th January, 2017. All the respondents are directed to appear in person on the next date of hearing.”

3. Today all the respondents are present in person and undertake to abide by the terms and conditions subject to which settlement has taken place. It is undertaken by them before the Court that no extension of time shall be sought beyond 31st October, 2017 and possession shall be handed over to the appellant on or before that date.

4. The appellant, who is present in person, agrees to the above terms and conditions but submits that in case any of the above conditions is violated, she be given the right to get the decree executed even prior to 31st October, 2017.

5. Learned counsel for the appellant submits that Civil Suit No.1223 of 2014 pending before the learned trial Court shall be withdrawn as compromise has taken place and the same has become infructuous.

6. The appeal is disposed of in terms of the settlement recorded in the affidavit filed by the respondents and the appellant agreeing to extend the

time by 31st October, 2017 to enable the respondents to vacate the suit property on the terms and conditions incorporated in the affidavit filed in compliance of order dated 13th January, 2017.

PRATIBHA RANI, J.

JANUARY 27, 2017

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