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

+ CM(M) 693/2017

YOGENDER CHAWLA & ORS

..... Petitioners

Through: Mr. Rajinder Kumar Arora and Mr.
Saurabh Kumar, Advs.

Versus

PUNJAB NATIONAL BANK & ANR

..... Respondents

Through: Ms. Bindu Das, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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05.09.2017

1. This order is in continuation of the earlier order dated 12th July, 2017.
2. The copies of the order sheets filed by the counsel for the petitioners in compliance of the direction contained in order dated 12th July, 2017 have been perused.
3. On perusal thereof, it cannot certainly be said that the petitioners/decreed holders have been acting diligently.
4. Be that as it may, since it is stated that the petitioners/decreed holders are senior citizens, the learned Additional Rent Controller (ARC) before whom execution is now pending is requested to give due regard to the factum of the petitioners/decreed holders being senior citizens and to give short dates in the execution proceedings, being Execution Petition No.595500/2016 (Old Nos.20/2013 & 32/2014).
5. Finding at this stage that the execution proceedings are before the ARC, enquiries as to what is sought to be executed have been made.

6. It turns out, that the petitioners had filed a petition for eviction of the respondent Punjab National Bank (PNB) under Section 14(1)(e) of the Delhi Rent Control Act, 1958; during the pendency of the said petition for eviction, the parties were referred to mediation; before the Mediation Cell, a settlement was arrived at whereunder the respondents PNB agreed to vacate a part of the premises and agreed to a certain rent to be paid for the remaining portion of the property and it was agreed between the parties that a formal lease agreement will be executed.
7. It appears that the petitioners before the ARC are seeking enforcement of the aforesaid settlement agreement.
8. In my opinion, the ARC, being not a Court and being a Tribunal of limited jurisdiction, is incapable of enforcing such a settlement. It appears that the entire execution proceeding, for expeditious disposal whereof this petition has been filed, is misconceived.
9. Be that as it may, the counsel for the petitioners as well as the Court of the ARC to consider the said aspect before wasting any further time in the proceedings.
10. The petition is disposed of.

RAJIV SAHAI ENDLAW, J.

SEPTEMBER 05, 2017
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