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

+ **FAO 559/2016 and C.M. Appl. 44771/2016**

CHANPREET KAUR

..... Appellant

Through: Mr. Rajat Aneja and Ms. Chandrika
Gupta, Advocates with appellant in
person

versus

GURPREET KAUR AND ORS

..... Respondents

Through: Mr. Satvinder Singh, Advocate for
respondents No.1 and 2 with
respondents No.1 and 2 in person
Mr. Parvinder Singh, Advocate for
respondent No.3 with respondent
No.3 in person

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **01.11.2017**

1. The appellant as well as the respondents No.1 to 3 are present in Court with their respective counsels.
2. The respondents have filed the CDs along with C.M. Appl. 39375/2017 which show that the appellant has entered the portion marked in yellow colour in the site plan (Annexure P-4 at page 76) and there is an atmosphere of hostility and acrimony between the parties.
3. The appellant, present in Court along with her counsel, undertakes that she will peacefully occupy the portion shown in red colour in the site plan (Annexure P-4). The appellant further undertakes not to enter the portion marked in yellow colour in the site plan without the permission of respondents No.1 and 2. The appellant has no objection to the doors and

window between the yellow and red portions to be closed permanently by the respondents. The appellant further undertakes to carry out her kitchen activities from the rear courtyard. The appellant further undertakes to use the rear gate for the entry and exit to the portion marked in red colour.

4. Respondents No.1 and 2, present in Court with their counsel, undertake to peacefully occupy the portion shown in yellow in the site plan (Annexure P-4). Respondents No.1 and 2 further undertake to permanently close the doors and window between the yellow and red colour portions. Respondents No.1 and 2 further undertake not to enter the portion marked in red colour without the permission of the appellant.

5. Learned counsels for both the parties submit that the suit filed by respondents No.1 and 2 before the Trial Court is listed for recording of plaintiffs' evidence and the parties shall abide by the undertakings given above till the disposal of the suit.

6. The undertakings of both the parties are hereby accepted. In view of the undertakings given by the parties, para 4 of the order dated 02nd March, 2017 is modified to the extent that the appellant shall not use the common kitchen for cooking food and the said kitchen shall be occupied exclusively by respondents No.1 and 2.

7. The appeal and the pending application are disposed of in terms of the undertakings of the parties. In terms of the aforesaid undertakings, the appellant shall peacefully occupy the portion in red colour whereas the respondents No.1 and 2 shall peacefully occupy the portion in yellow colour of the site plan (Annexure P-4) till the disposal of the suit filed by respondents No.1 and 2 before the Trial Court. Respondents No.1 and 2 shall permanently close the two doors marked as 'A' to 'A1', 'B' to 'B1' as well as the window marked as 'C' to 'C1' in the site plan Annexure P-4 within two days. The appellant shall use the rear courtyard for entry/exit to

her portion. The appellant would use the rear courtyard in her portion as a kitchen. This arrangement is subject to the final outcome of the suit filed by respondents No.1 and 2 and shall continue till the disposal of the suit.

8. Learned counsel for the appellant submits that the respondent No.3 be directed to pay the school fees of Master Gurpreet Singh. Learned counsel for respondent No.3 submits, on instructions from respondent No.3 present in Court, that the maintenance @ Rs.5,000/- per month is being paid to the appellant. It is further submitted that respondent No.3 shall deposit the school fees of Master Gurpreet Singh directly to school within one week of being intimated about the due amount by the appellant to respondent No.3 by SMS.

9. The Trial Court shall expedite the hearing and disposal of the suit.

10. The record of the Trial Court as well as the records mentioned in the order dated 02nd March, 2017 be returned back forthwith.

11. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

NOVEMBER 01, 2017

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