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

+ RSA 376/2016

SITA DEVI

..... Appellant

Through: Mr.Vishal Soni, Advocate

versus

JAGDEESH FREIGHT MOVERS PVT LTD & ORS Respondents

Through: Mr.Rajesh Gupta & Mr.Sandeep Puri,
Advocates

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **06.01.2017**

CM No.484/2017

1. Learned counsel for the parties submit that the matter has been amicably settled in terms of the terms & conditions recorded in the Memorandum of Understanding (MOU) annexed with the CM No.484/2017.
2. This is an application for recording of settlement between the appellant and the respondent no.1. The disputes between the parties pertain to possession of suit property i.e. Shop No2., Ground Floor, Khanna Market, Tis Hazari Courts, Delhi. The appellant claimed herself to be the owner/landlady of the suit property and therefore sought possession of suit property as well decree of permanent injunction to restrain the respondents herein from selling, creating any type of third party interest in respect of the suit property. The respondents contested the suit claiming its lawful tenancy.

3. It is admitted by the appellant that she has got the vacant, physical and peaceful possession of the property in question on 22nd December, 2015. Respondents also agree that they will not seek restitution of possession of the property in question in any manner from the appellant. It is also agreed by the appellant that she will not pursue any claim or file any execution or recovery suit seeking recovery of any amount of mesne profits/damages/license fee/ arrears of rent etc. of ₹ 33,800/- in terms of order dated 29th January, 2016 passed by Civil Judge, Delhi.

4. Clause 6 of the MOU reads as under:-

“6. Party of the first part has undertakes to unconditionally withdraw its appeal from Hon'ble High Court of Delhi vide RSA Number 376/2016 and CM Number 45881/2016 from Court of HMJ Pratibha Rani, J. High Court of Delhi on its next date i.e. on January 06, 2017 by recorded her statement and/or by filing an appropriate application in this regard.”

5. Pursuant to the above settlement and as agreed between the parties, learned counsel for the appellant seeks permission to withdraw this appeal unconditionally.

6. In view of the above, the application is allowed and the appeal being RSA No.376/2016 along with pending application CM No. 45881/2016 are dismissed as withdrawn.

7. The parties shall abide by the terms and conditions as mentioned in the MOU.

PRATIBHA RANI, J.

JANUARY 06, 2017

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