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

+ RFA 477/2015 and CM APPL. 12727/2015

TARA CHAND & ANR

..... Appellants

Through: Mr. Abhishek Kumar, Advocate with
appellants No.1 and 2 in person.

versus

CHANDER PAL & ORS

..... Respondents

Through: Mr. Rahul Kumar Singh and Mr. Vijay
Pratap Singh, Advocates with R-1 in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

% **17.01.2017**

1. Pursuant to the order dated 16.01.2017, counsel for the appellants states that he has obtained instructions from his clients to the effect that they do not wish to contest the present appeal on merits, whereunder the learned trial court has decreed the suit for possession, mesne profits and consequential relief instituted by the respondents No.1 and 2/plaintiffs against them. Instead, he states that the appellants may be granted a reasonable time of one year to vacate the suit premises.
2. Counsel for the respondents states on instructions that one year would be too long a period as the impugned judgment was passed on 23.04.2015 and by now, almost one year and nine months have expired. He states that the respondents are ready and willing to permit the appellants to continue occupying the suit premises till the end of June, 2017, which offer has been accepted by the counsel for the appellants, who goes on to state on instructions that the monthly use and occupation charges assessed by the trial court @ Rs.1,250/- is on the higher side. He states that the appellants

have deposited a sum of Rs.53,750/- in the execution proceedings initiated by the respondents No.1 and 2/plaintiffs for seeking execution of the impugned judgment and decree, and further amounts were deposited in the High Court towards the monthly use and occupation charges with effect from May, 2016 to January, 2017.

3. The Registry has submitted a report that a sum of Rs.11,250/- has been deposited by the appellant for the use and occupation charges of the suit premises from May, 2016 till January, 2017.

4. As for the remaining period with effect from February, 2017 to June, 2017, the parties agree that the appellants shall pay a sum of Rs.1,000/- per month to the respondents No.1 and 2 towards use and occupation charges and they shall hand over vacant peaceful possession of the suit premises to the respondents No.1 and 2 on or before 30.06.2017. The appellants have no objection to the respondents No.1 and 2 withdrawing the amounts already deposited by them in the execution proceedings and in the High Court.

5. Accordingly, the present appeal is disposed of in terms of the settlement recorded hereinabove. The parties shall remain bound by the terms and conditions of the settlement.

6. In token of acceptance of the settlement arrived at and recorded above, the parties and their counsels shall affix their signatures on the margin of the order sheet.

7. The appeal is disposed of alongwith the pending application, while leaving the parties to bear their own expenses.

HIMA KOHLI, J

JANUARY 17, 2017/rkb/ap