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

+ RFA 292/2017 & CMs 10270-72/2017 and Caveat No.245/2017

BHUPAL SINGH NEGI

..... Appellant

Through : Mr. Sanjeev Sindhvani, Sr. Advocate
with Mr. Gaurav Gaur, Advocate
with appellant in person.

versus

KHUSHAL SINGH RAWAT

..... Respondent

Through : Mr. Nitin Soni, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

ORDER

15.03.2017

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1. The appellant/defendant is aggrieved by the judgment and decree dated 21.10.2016 passed by the trial court in a suit for possession, permanent injunction and mesne profits instituted by the respondent/plaintiff in respect of the ground floor of premises bearing No.808 Block-C, Vikas Puri, New Delhi.

2. Mr. Sindhvani, learned Senior Advocate appearing for the appellant states that the appellant and the respondent are related to each other, being co-brothers and they have been able to negotiate an out of court settlement whereunder, the respondent has agreed to permit the appellant to remain in occupation of the suit premises till 31.5.2018, subject to his paying the electricity and water charges etc. The said submission is confirmed by learned counsel for the respondent/caveator.

3. Accordingly, the present appeal is disposed of as not pressed, while binding the appellant to the undertaking given by him to the effect that he shall handover the vacant peaceful possession of the suit premises to the respondent or his attorney, on or before 31.5.2018. The appellant, who is present in Court, undertakes that neither he nor any of his family member shall approach the court for seeking extension of time beyond the agreed timeline. He also undertakes to pay the upto date electricity and water charges in respect of the suit premises and furnish a NOC at the time of handing over vacant peaceful possession thereof.

4. The appellant has been explained the consequences of being in breach of the aforesaid undertakings which includes the right of the respondent not only to seek execution of the impugned judgment and decree in accordance with law, but also to approach the court for initiating contempt proceedings against him. He assures the Court that he shall abide by the undertaking recorded hereinabove.

5. The appeal is disposed of, along with the pending applications and the caveat petition.

HIMA KOHLI, J

MARCH 15, 2017

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