

\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA 853/2017 & CM Nos. 36283/2017 (stay) & 36284/2017
(exemption)

VIRENDER PARKASH JHA Appellant

Through: Mr. Arun Kr. Gupta, Advocate.

versus

NARAINI DEVI (SINCE DECEASED) THR HER LEGAL HEIRS

..... Respondent

Through: Mr. Pranay Trivedi and Mr. Arvind
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **07.12.2017**

1. After arguments, this appeal is disposed of with the consent order that as regards the proposal given by the defendant no.2 and as recorded at internal page 3 of the impugned order dated 30.5.2017, the defendant no.2 will get the room which will measure 7'.4''X 4' and not 7'.4''X 8'.6'' as given by the second last line of the impugned order dated 30.5.2017.

2. Accordingly, now a fresh site plan will be jointly prepared by the parties which will be the same as per Ex.Z-1 with the sole modification

that the room of which area was 7'.4'' X 9'.4'', the area available to the defendant no.2 would be an area of 7'.4''X 4'.

3. It is also not in dispute between the parties that the total passage and common area shown in yellow colour in the site plan Ex.Z-1 will be right till the end of the edge wall of the building and it is not as if that the common passage area adjoining the bath falling to the share of the appellant/plaintiff is to be of green colour falling to the defendant no. 2's share. Learned counsel for the defendant no.2/respondent no.2 clarified that there is a mistake in the site plan filed as Ex.Z-1 with this appeal whereby the area adjoining the bath which is a common passage between the bath and the other area of the appellant/plaintiff is shown in green whereas it is in fact it should be shown in yellow colour in the original Ex.Z-1.

4. The appeal is accordingly disposed of with the aforesaid observations.

5. Dasti to counsels for the parties.

VALMIKI J. MEHTA, J

DECEMBER 07, 2017

ib