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

+ W.P.(C) 9750/2017 & CM 39700/2017

SMT. SHWETA PURI

..... Petitioner

Through: Ms.Geeta Luthra, Senior Advocate
with Mr.Ujjal Jain, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Kirtiman Singh, CGSC with
Mr.Waize Ali Noor, Mr.Momin
Khan, Advocates for Respondent
Nos.1 to Respondent No.3
Mr.Vikas Nagpal, Advocate for
Respondent No.4 along with
respondent no.4 in person.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **13.11.2017**

1. The petitioner has challenged the order dated 20th October, 2017 passed by the Estate Officer whereby the petitioner has been directed to vacate the MOD pool accommodation No.239/2, Vikram Vihar, Shankar Vihar, Delhi Cantt., New Delhi.
2. The petitioner is the wife of respondent no.4, Brigadier Sanjay Puri, who was allotted the aforesaid government accommodation. The parties separated in July 2015 and the petitioner is exclusively occupying the aforesaid official accommodation. Respondent no.4 has been posted at Dehradun and therefore, he is liable to vacate the official accommodation.
3. Learned senior counsel for the petitioner submits that the petitioner has no objection to vacate the official accommodation subject to respondent

no.4 providing Rs.50,000/- per month to enable the petitioner to arrange a rented accommodation.

4. Learned counsel for respondent no.4 has shown the statement of the salary account for October 2017 according to which respondent no.4 has got take home salary of Rs.1,42,349/- after deduction of Income tax and other deductions. It is submitted that respondent no.4 is already paying maintenance of Rs.30,000/- per month and the petitioner would not be entitled to more than Rs.25,000/- per month for the alternative accommodation.

5. Respondent no.4 present in Court along with his counsel submits that respondent no.4 is prepared to pay Rs.25,000/- per month to the petitioner to enable her to arrange an alternative rented accommodation. It is submitted that the petitioner is occupying a two bed room flat official accommodation whereas two bed room flat in Dwarka is easily available for Rs.25,000/- per month.

6. Learned senior counsel for the petitioner submits that the official accommodation is a three bed room accommodation and the rent, maintenance and electricity charges for a three bed room accommodation in Dwarka is Rs.50,000/- per month.

7. This Court is of the view that respondent no.4 should make on account payment of Rs.2,50,000/- to the petitioner to enable her to arrange an alternative accommodation on rental basis and the petitioner should handover the vacant and peaceful possession of the official accommodation to the competent authority within one month from today. The petitioner's claim for Rs.50,000/- per month towards the rent for arranging alternative accommodation shall be adjudicated by the Family Court.

8. Respondent no.4 present in Court undertakes to pay Rs.,2,50,000/- to the petitioner within ten days from today.

9. The petitioner present in Court undertakes to handover the vacant and peaceful possession of the official accommodation to the competent authority within 30 days from today.

10. The undertaking of both the parties is accepted. The divorce proceedings between the parties are pending before Sh. Yashwant Kumar, Family Court, Patiala House Court in which the petitioner has filed an application for enhancement of the maintenance which is listed for hearing on 06th January, 2018. The petitioner shall file an application with respect to her claim of Rs.50,000/- per month for a rented accommodation within a period of three weeks from today and the respondent shall file the reply thereto within three weeks thereafter. The Family Court shall take up the petitioner's application for the claim for rented accommodation along with the petitioner's application for enhancement of the maintenance. The Family Court shall endeavour to decide the petitioner's applications within a period of four months from today. Learned counsels for both the parties agree not to seek any unnecessary adjournment before the Family Court.

11. The amount of Rs.2,50,000/- being paid by respondent no.4 to the petitioner shall be subject to the final outcome of the order to be passed by the Family Court, meaning thereby that the petitioner would be entitled to amount as determined by the learned Family Court apart from two months rent as security and one month rent as advance rent.

12. This petition is disposed of in the above terms. The pending application is also disposed of.

13. At this stage, learned counsels for both the parties seek reference of this matter to Delhi High Court Mediation and Conciliation Centre.

14. List before Delhi High Court Mediation and Conciliation Centre on 18th December, 2017 at 4.30 PM. The Delhi High Court Mediation and Conciliation Centre shall appoint a senior mediator to mediate between the

parties.

15. The Mediation Centre shall send the report of mediation directly to the learned Family Court.

16. The parties shall comply with the undertaking given to this Court irrespective of the outcome of the mediation and the pleadings with respect to the petitioner's claim shall be completed before the Family Court within the time granted by this Court.

17. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 13, 2017

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