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

+ CS(OS) 3299/2015 & I.A.Nos.23146/2015, 7976-7977/2016

CHARANJIT SINGH BAINS ..... Plaintiff  
Through Dr.Aman Hingorani with Ms.Jahnvi  
Sharma, Advocates.  
versus

GULSHAN BAL & ANR ..... Defendants  
Through Mr.Madan Lal Sharma, Advocate.

**CORAM:**  
**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**  
% **24.08.2017**

Learned counsel for the plaintiff has handed over the draft terms of settlement.

After some discussions, the following terms of settlement are agreed upon between the parties in full and final settlement:-

“1. The plaintiff has requested his brother, Brig. Madanjit Singh Bains (Retd.) to permit the defendants to reside in Penthouse No.1101, Block-H, Sispal Vihar, Sector 49, Gurgaon owned by Brig. Madanjit Singh Bains (Retd.) during the lifetime of the defendants on the following terms and conditions:-

- (i) The defendants will shift to the said Penthouse on or before 24<sup>th</sup> September, 2017.
- (ii) The defendants will duly pay the monthly maintenance charges to the AWHO society of Sispal Vihar, electricity and water charges with effect from such date.

- (iii) The defendants will comply with the rules of Local Governing Body/Residents Welfare Association.
- (iv) The defendants will not make any alteration/addition to the said Penthouse.
- (v) The defendants will use the Penthouse only for their own residential purposes and will not sublet the Penthouse.
- (vi) The defendants will maintain the Penthouse in the same condition in which it is being given to them, and will indemnify Brig. Madanjit Singh Bains (Retd.) for any loss/damage caused to the Penthouse on their account.
- (vii) The defendants will permit the Brig. Madanjit Singh Bains (Retd.) or his duly authorized representative to inspect the penthouse to confirm adherence to the aforesaid conditions.
- (viii) The vacant possession of the Penthouse will be returned to Brig. Madanjit Singh Bains (Retd.)/his nominee/legal heirs on the demise of defendants.

2. That with a view to put an end to the present litigation and maintain cordiality between the parties, Brig. Madanjit Singh Bains (Retd.) has accepted the request of the plaintiff on the aforesaid terms and conditions.”

As a token of acceptance of the aforesaid settlement terms, Brig. Madanjit Singh Bains (Retd.), Ms.Gulshan Bal and Col. K.P.S.Bal (Retd.) are directed to sign the today’s order sheet. It is pertinent to mention that Brig. Madanjit Singh Bains (Retd.) is a

constituted power of attorney of the plaintiff also.

Learned counsel for the parties as well as Brig. Madanjit Singh Bains (Retd.), Ms.Gulshan Bal and Col. K.P.S.Bal (Retd.), who are personally present in Court, assure this Court that they shall abide by the aforesaid settlement terms.

The statements, assurances and undertakings given by the parties are accepted by this Court and the parties are held bound by the same.

Accordingly, the present suit and pending application are disposed of in terms of the aforesaid consent/settlement terms.

Registry is directed to prepare a decree sheet accordingly.

**MANMOHAN, J**

**AUGUST 24, 2017**  
**KA**