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

+ CM(M) 247/2018 & CM Nos. 8190-91/2018

MOHD SALEEM

..... Petitioner

Through: Mr. Prem Chand Gaganiya, Advocate
along with petitioner in person.

versus

FARZANA MALIK

..... Respondent

Through: Ms. Seema Mishra & Mr. Dinesh Kr.
Tiwari, Advocates.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.03.2018

The parties had settled the dispute arising out the eviction petition of the respondent, in the proceedings taken out as RC Rev. 305/2017 against the order of eviction passed by the Rent Controller, it eventually resulting in order dated 24.08.2017 whereunder the petitioner/tenant is entitled to continue to be in physical possession of the tenanted premises till 31.07.2018 subject to payment of user/occupation charges @ Rs. 3,000/- per month till 30.09.2017 and thereafter @ Rs. 4,000/- per month besides other conditions. It appears that the petitioner made default in timely clearance of the arrear arising out of the said settlement which resulted in execution proceedings being taken out (Ex.Case No. 70/2017). The petitioner filed objections seeking to explain the default but the same were rejected and warrant of possession has been issued in terms of order dated 23.02.2018.

The respondent has appeared through counsel on advance notice. After some hearing, it has been mutually agreed amicably by both sides that the delay in payment of the arrears in terms of order dated 24.08.2017 be condoned subject to costs of Rs. 10,000/- which shall be paid by the petitioner to the respondent within four weeks hereof. The respondent has confirmed that the arrears and upto date user/occupation charges have otherwise been paid. The petitioner shall continue abiding by the terms of settlement reflected in order dated 24.08.2017 and hand over the vacant peaceful physical possession on or before 31.07.2018. His right to continue to be in occupation shall, however, be further subject to payment of costs, as aforesaid.

The petition and the applications are disposed of in above terms. The impugned order stands set aside.

Dasti to both sides.

R.K.GAUBA, J.

MARCH 05, 2018

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