

\$~7

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

+ **RFA 351/2017, CM APPLs. 9603/2018 & 18086/2018**

ANITA & ANR.

..... Appellants

Through: Mr. R.K. Jain, Advocate
(M-9312344756) with Mrs. Anita and
Mr. Satish Kumar, Appellants.

versus

RAM SINGH

..... Respondent

Through: Mr. Naveen Kumar Goyal, Advocate
with Respondent in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

03.05.2018

1. The parties are present today. The Appellants/Defendants - Mrs. Anita and Mr. Satish Kumar (*hereinafter*, 'Defendants') are the daughter and son in law of the Respondent/Plaintiff - Mr. Ram Singh (*hereinafter*, 'Plaintiff').

2. Disputes arose between the parties in respect of property bearing No. 72-B, Street No. 4, Kundan Nagar, Delhi-110092 (*hereinafter*, 'suit property'). Plaintiff is the owner of the suit property. In order to make the Appellants comfortable in their life, an understanding was arrived at between the parties that the suit property would be purchased by the Defendants for a sum of Rs.8,18,877/-. Payment was to be made in installments by the Defendants to the Plaintiff. Construction was undertaken by the Defendants in the said property. Defendants paid several monthly installments, which were however stopped. Since the Defendants stopped payment of the installments, the Plaintiff then returned the entire amount

which was paid by the Defendants to the tune of Rs.7,18,000/- (Rupees Seven Lakhs Eighteen Thousand only). After repaying the amount, the present suit was filed seeking possession, permanent injunction, mesne profits and damages. The suit was filed on 10th April, 2013. The Trial court, after examining the pleadings and evidence on record, decreed in the following terms:-

“53. In view of the foregoing discussion, following reliefs are granted to the plaintiff:-

- (i) The plaintiff is entitled to a decree of possession of the suit property bearing No. 72-B, Kundan Nagar, Delhi-110092. The defendants are directed to handover the vacant and peaceful possession of the portion of the suit property to the plaintiff within three months from the date of order.*
- (ii) The plaintiff is entitled to use and occupation charges @ Rs. 10,000/- per month from April, 2013 till peaceful and vacant possession of the suit property is handed over to the plaintiff.”*

3. On 18th May, 2017, this Court directed the Defendants to deposit the entire arrears of the use and occupation charges as directed by the Trial court and subject to the said deposit, operation of the judgment and decree was stayed. The Plaintiff moved an application for early hearing being CM APPL. 9603/2018. Parties were directed to be present today. Both the Defendants and the Plaintiff are present in person and have settled their disputes in respect of the suit property, on the following terms and conditions:-

- i) In addition to the amounts already paid to the Defendants, Plaintiff agrees to pay a further sum of Rs.8,00,000/- (Rupees Eight Lakhs).
- ii) Upon receipt of the said amount, the Defendants agree to handover vacant and peaceful possession of the suit property to the Plaintiff.
- iii) The Defendants agree that they will bear all the expenses qua the suit property, including electricity and water charges, till the date of handing over of possession to the Plaintiff. They shall not cause any damage to the suit property before handing over the possession to the Plaintiff.
- iv) The Plaintiff further agrees that the sum of Rs. 5 lakhs lying deposited in the Court may be released to the Defendants along with the interest accrued thereon. The Plaintiff further agrees that no further use and occupation charges shall be due from the Defendants upon receipt of the keys from the Defendants.

4. Statements of the parties have been recorded separately. The Defendants are directed to bring the keys of the suit property along with last paid electricity and water bills on the next date of hearing. The Plaintiff shall bring the Demand Draft for Rs. 8,00,000/- (Rupees Eight Lakhs) in favour of Defendant No.1 - Mrs. Anita.

5. The Registry is directed to prepare a Demand Draft in favour of Defendant No.1 - Mrs. Anita for the sum of Rs.5,00,000/- (Rupees Five Lakhs), which is lying deposited in the Court, along with interest accrued thereon (Minus any TDS deductible on the said amount).

6. The disputes relating to the suit property stand fully and finally settled

between the parties on the above terms.

7. The appeal is disposed of as settled. Miscellaneous applications also stand disposed of. The impugned judgement/decreed stands modified in terms of the settlement. Parties to remain present on the next date.

8. List for compliance on 31st May, 2018.

PRATHIBA M. SINGH, J.

MAY 03, 2018/*Rekha*