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

+ **RSA 245/2014 & C.M.Nos.15291-92/2015, 15618/2016**

OM PRAKASH YADAV Appellant
Through: Mr. Rajan Bhatia, Advocate with
Appellant in person.

Versus

DEWAN SINGH YADAV Respondent
Through: Mr. N. Prabhakar and Mr. Dhruv
Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **12.04.2018**

The learned counsel for the appellant states upon instructions from the appellant, who is present in the Court that the appellant has decided to not press this appeal in view of the fact that he concedes that the courtyard space marked as C, D, H and I in the site plan marked as Exh. PW1/9 (at page 613 of the Trial Court record) shall be in the exclusive use of the respondent. He also agrees that the gallery portion leading to the said courtyard, shown therein as G, F, H and E, shall be used as common passage for use of the parties i.e. the appellant's right to use gallery for access to the staircase leading to his quarters/property on the first floor will be unhindered. The learned counsel for the respondent submits that this understanding has been accepted by the respondent and the matter can be so compromised. It is also agreed between the parties that the appellant shall not enter the courtyard, as

mentioned above, except for the purpose of white washing, cleaning and repairing the common walls and for accessing the windows, etc. falling in and/or opening the said courtyard end, for which two days' notice shall be given to the respondent. It will be open to the respondent, for the sake of securing their courtyard, to put up such a glass panel or other door or grill between points H and E.

The learned counsel for the parties state upon instructions that the parties undertake to abide by the terms of the said Agreement. Their undertaking is accepted. They shall additionally file an affidavit of undertaking to this effect, within two weeks from today.

In view of the above, the learned counsel for the respondent states that the respondent shall not enforce the execution of the decree.

Appeal alongwith pending application stands disposed off in view of the above terms.

NAJMI WAZIRI, J.

APRIL 12, 2018

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