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

+ RFA 759/2018

NARENDER SINGH ..... Appellant  
Through: Mr.Bhagat Singh, Advocate.

versus

SAMUNDER SINGH & ORS ..... Respondents  
Through: Mr.Rajinder Dhawan, Adv. for R1 to 5  
along with R-2 & R-4 in person.

**CORAM:**  
**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

% **10.09.2018**

1. After arguments, this appeal is disposed of with the following consent order:-

- (i) Appellant who was the defendant No.2 in the suit with defendant No.1 in the suit being ex parte, states that it is only the appellant/defendant No.2 who is having exclusive possession of the suit property admeasuring 85 Sq.meter. situated in Khasra No.62 in Abadi Deh of Village Mungesh Pur, Delhi.
- (ii) Appellant undertakes that actual physical vacant possession of the aforesaid suit property shall be handed over by him to the respondents 1 to 5/plaintiffs on or before 30.11.2018.
- (iii) It is also agreed that in case the respondents 1 to 5/plaintiffs receive actual vacant physical possession of the suit property

from the appellant on or before 30.11.2018 then the money decree passed by the trial court in favour of respondents 1 to 5 and against the appellant will stand modified that the monitory liability of the appellant will be crystallised only at Rs.3 lakhs in favour of the respondents 1 to 5/plaintiff.

(iv) This amount of Rs. 3 lakhs will be paid by the appellant to respondents 1 to 5/plaintiffs on or before 30.11.2018 and at the time of handing over the actual physical vacant possession of the suit property by the appellant to the respondents 1 to 5/plaintiffs.

2. Let the appellant file the affidavit of undertaking in terms of the present order in this Court within a period of 10 days from today, and on the appellant filing an affidavit of undertaking and complying with the terms of the same, appeal will accordingly stand disposed of in terms of the aforesaid compromise order.

3. The appeal is accordingly disposed of as per agreed terms as stated above.

**VALMIKI J. MEHTA, J**

**SEPTEMBER 10, 2018**

Bisht