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

+ **RFA 580/2014**

NARESH KUMAR BANSAL Appellant

Through : Mr. Alok Bachawat, Advocate.
Appellant in person.

versus

VIVEK JALAN & ANR Respondents

Through : Mr. Rajat Aneja, Ms. Chandrika
Gupta, Advocates.
Mr. Vivek Jalan/ R1 in person.
Mr. Santu Sharma/R2 in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.01.2018**

The present appeal has been preferred impugning judgment/decreed dated 11th July, 2014, whereby, the learned trial court had allowed the application of the Respondents/Plaintiffs (hereinafter referred to as 'the Plaintiffs') under Order XII Rule 6 CPC and had decreed the suit for possession of the suit property. The suit property comprises of two shops bearing numbers 51 & 52 on the Second Floor of Plot No. 1184, Kucha Mahajani, Chandni Chowk, Delhi-110006 measuring approximately 110 square feet.

2. By the impugned judgment, it was held that the Appellant/Defendant (hereinafter referred to as 'the Defendant') is a licensee in the shop. It was further held that in the written statement of the Defendant, it was clearly admitted that the rent receipt was issued for the purpose of sales tax registration and in fact, the Defendant claimed that he was in possession of

the property, as he had intentions to purchase the property. The Defendant relied upon an oral agreement to sell, against which he claimed to have paid Rs. 8 lakhs to the Plaintiffs. On this basis, the suit was decreed in favour of the Plaintiff under order XII Rule 6. In the present appeal, notice was issued on 17th November, 2014 and the impugned judgement and decree was stayed.

3. The appeal was listed for hearing yesterday and arguments were heard on behalf of both the sides by Mr. Bachawat, learned counsel for the Defendant and Mr. Aneja, learned counsel for the Plaintiffs. At the time of conclusion of the arguments, some proposals for settlement were put forward by the counsels for the parties. Accordingly, the matter was listed today in order to enable the parties to report settlement, if any.

4. The Defendant Mr. Naresh Kumar Bansal is present in court and is duly identified by his counsel Mr. Bachawat. The Plaintiffs Mr. Vivek Jalan and Mr. Santu Sharma are also present in the court and are duly identified by their counsel, Mr. Rajat Aneja.

5. Both sides have reported that they have been able to settle their disputes on the following terms and conditions:

(i) The Defendant undertakes to vacate the suit property and hand over vacant and peaceful possession of the same by 31st March 2018.

(ii) The Defendant undertakes not to cause any damage to the suit property in the intervening period or create any third party interest or hand over the possession of the suit property to any party.

(iii) The defendant undertakes to pay the electricity and

water charges till 31st March, 2018.

(iv) The parties agree that the Defendant can remove the fixtures and fittings which he might have installed in the premises. For the purpose of the said removal, parties shall meet, on a convenient date, in the suit property so that the fixtures and fittings can be removed in the presence of the Plaintiffs.

(v) In view of the statements of the defendant, the Plaintiffs have agreed to pay a sum of Rs. 30 lakhs to the defendant at the time when the keys are handed over to them by the Defendant.

(vi) The Plaintiff shall have no further claims against the Defendant in respect of the suit property.

6. All the parties shall remain personally present in court on 2nd April, 2018. The Plaintiffs shall carry the Demand Draft for a sum of Rs. 30 lakhs to be handed over in court to the Defendant on 2nd April, 2018. The Defendant to carry the keys of the suit property on 2nd April, 2018 to be handed over to the Plaintiffs. Statements of the parties have been recorded today.

7. In view of above, all the *inter se* litigations pending between the parties which are as follows shall too stand settled:

(i) Misc Case No. 48/2016; Naresh Kumar Bansal v. Vivek Jalan and Ors., pending before the court of Sh. V.K. Gautam, ASCJ, Tis Hazari Courts, Delhi.

(ii) Suit No. 11274/2016; Naresh Kumar Bansal v. Vivek Jalan & Anr., pending before the court of Sh.

Manoj Kumar, ADJ, Tis Hazari Courts, Delhi.

(iii) Suit No. 9588/2016; Vivek Jalan & Anr. v. Naresh Kumar Bansal, pending before the court of Sh. Manoj Kumar, ADJ, Tis Hazari Courts, Delhi.

8. Relist on 2nd April, 2018 for compliance.

PRATHIBA M. SINGH, J

JANUARY 09, 2018

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