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

+ RFA 891/2016 and C.M. No.45017/2018(under Order 1 Rule 10 CPC)

JAGAT SINGH RATHI

..... Appellant

Through: Mr. Madan Lal Sharma, Advocate
(M. No.9810693008).

versus

SAVITA RATHI

..... Respondent

Through: Mr. Swastik Singh, Advocate with
Mr. Ajit Singh, Advocate and Mr.
Himanshu Dagar, Advocate (M.
No.9999944080).
Mr. Piyush Reyal, Advocate for Mr.
Bhagat Singh Rathi. (M.
No.7838249850).

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **05.12.2018**

1. After arguments, this appeal is disposed of with the consent order that the suit of the appellant for possession is decreed with respect to the suit property but the appellant gives up the claim with respect to mesne profits or any other money decree. However, the respondent/defendant will get two rooms on the second floor of the property no.161 in khasra no.742 out of the lal dora abadi of village Munirka, New Delhi and which are

reflected in red coloured pen with nos.1 and 2 at running page 231 of the appeal paper book. The plan at running page 231 of the paper book is the plan attached to C.M. No.45017/2018 filed by the husband of the respondent/defendant Sh. Bhagat Singh Rathi. It is not disputed by any of the parties that the two rooms which are now allotted for residence of the respondent/defendant are owned by the husband of the respondent/defendant, namely Sh. Bhagat Singh Rathi. The surrender of the possession of the suit property will be simultaneously to the respondent/defendant getting the two rooms marked as 1 and 2 in the site plan at page 231 of the appeal paper book, and which be done within three months from today.

2. It is noted that appellant/plaintiff, respondent/defendant and husband of the respondent/defendant Sh. Bhagat Singh Rathi are personally present in the Court.

3. Appeal and the application are accordingly disposed of.

VALMIKI J. MEHTA, J

DECEMBER 05, 2018

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