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

+ **RSA 90/2017 & CM APPL. 10741/2017**

MOHD SHAHBUDDIN KHAN Appellant
Through: Mr. Naveen Kumar Chaudhary,
Advocate.

Versus

MOHD AFTAB KHAN AND ORS. Respondents
Through: Mr. Ashok Gurnani, Advocate for
Respondent No.1 with Respondent
No. 1 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **15.03.2018**

This second appeal impugns an order dated 16.09.2016 dismissing the appellant's appeal being RCA No.77/2016 against the dismissal of his suit seeking partition of the family property i.e. the suit property bearing no. N-39, measuring 22 & ½ sq. yards situated at Sundar Nagri, Shahdara, Delhi-110093.

Without going into the merits of the matter and without prejudice to their rights and contentions and with a view to salvage, maintain and continue the cordial family relations, the siblings i.e. the appellant and the respondent no.1 have settled the lis amicably in the following terms:-

- (i) the respondent no.1 shall pay an amount of Rs.3,00,000/- to the appellant on or before 15.09.2018 in lieu of the appellant's interests in the suit property enuring to the benefit of respondent no. 1.

- (ii) any infraction of this order, either in the quantum of the payment or within the time stated, will be visited with a cost of Rs.25,000/-, to be paid to the appellant within 15 days of such infraction.
- (iii) in the event of default in payment of the said monies to the appellant, this order shall be executable as a money decree against respondent no.1.

The learned counsel for respondent no.1 states upon instructions from respondent no.1, who is present in the Court, that the latter undertakes to abide by the terms of this consent order. The undertaking is accepted. The respondent no.1 shall file an undertaking to this effect within a week from today.

The appeal, alongwith pending application, is disposed off in the above terms.

NAJMI WAZIRI, J.

MARCH 15, 2018

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