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

+ CS(OS) 604/2018

MR. PRAVEEN SAINI & ANR. Plaintiff
Through Mr.Sanjeev Anand, Mr.Ankit Singh
and Mr.Varun K.Bala, Advs.

versus

MR. ASHOK ARORA & ORS. Defendant
Through Mr.(name not given), Adv. for D-1 &
2 with D-1 in person
Mr.K.K.Sharma, Sr.Adv. with Ms.Manavi Sareen,
Adv.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **20.12.2018**

Mr.Ashok Arora/defendant No.1 is present in court in person alongwith his counsel and undertakes to the Court without prejudice to his rights and contentions that he will carry out the necessary repairs as pointed out by Mr.Sudhir Vohra, the Local Commissioner/Architect who was appointed by this Court on 30.11.2018 in his report.

Let Mr.Ashok Arora file an affidavit undertaking to do the needful within a period of three months from today. I may also note that after the remedial and curative actions regarding defendant No.1 as stated by the Local Commissioner in paragraph 'D' of the report are completed, a notice of completion will be sent to Mr.Sudhir Vohra, the Local Commissioner and to the plaintiff/learned counsel for the plaintiff. The Local Commissioner will inspect the repair work done by the defendants No.1 and 2 and will certify that the work is as per his report filed in court. He may charge a

reasonable professional fees from defendants No.1 and 2 who shall pay the same.

Learned counsel for defendants No.1 and 2 states that they will carry out the suggestions of the Local Commissioner without prejudice to their rights and contentions inasmuch as they do not accept the liabilities which the plaintiff is trying to thrust on them including the conclusions reached by the learned Local Commissioner.

Learned counsel for the parties have also settled the balance issues. It has been agreed that apart from getting the repairs done as noted above defendants No.1 and 2 will pay a sum of Rs.1 lac to the plaintiff in view of the expenses incurred by the plaintiff for the present litigation.

The suit accordingly stands disposed of as above. In view of the fact that the matter has been settled at the initial stage plaintiff shall be entitled to refund of the Court fees under section 16 of the Court Fees Act.

JAYANT NATH, J

DECEMBER 20, 2018

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