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

+ EFA(OS) 3/2019

BHAI SARABJIT SINGH @ SABI SABHARWAL..... Appellant

Through: Mr. Naveen R. Nath with Ms.
Anusuya Sadhu Sinha and Ms.
Amrita Sharma, Advs.

Versus

BHAI BALBIR SINGH & ORS

..... Respondent

Through: Mr. Adit S. Pujari with Ms. Kriti
Awasthi, Advs. for R-1 to R-4.
Mr. Sujoy Chatterjee, Adv. for R-5.
Mr. Jasmeet Singh, Adv. for R-6.
Mr. Gaurav Duggal with Mr. Mohit
Seth, Advs. for respondent Nos. 9A to
9L and R-10.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

05.02.2019

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C.M. No. 5221/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

CAV No. 106-107/2019

The caveators have appeared. The caveat is, accordingly, discharged.

EFA(OS) 3/2019 & C.M. No. 5220/2019

The present appeal is directed against the order dated 08.01.2019 passed by the learned Single Judge in Execution petition No.92/2016. Though a preliminary objection with regard to the maintainability of the appeal has been raised on behalf of respondent nos. 1 to 4, after some arguments, learned counsel for the appellant, on instructions from the appellant, who is present in person in Court, gives up the challenge to the impugned order and accepts the same. He, however, seeks two months time to comply with the order passed by the learned Single Judge on the assurance of furnishing an unconditional undertaking to this Court that, in case, the order passed by the learned Single Judge is not complied with within the next two months, the order dated 08.01.2019 may be enforced by respondent Nos. 1 to 4 by themselves undertaking the process of raising the construction of the wall so as to divide the entire plot in terms of the award dated 03.05.2005 and the settlement between appellant and respondent Nos. 1 to 4, which shall not be obstructed by the appellant.

The appellant shall file the undertaking in the aforesaid terms within a week. The undertaking shall stand accepted, and the appellant shall be bound by the same. In view of the said assurance and undertaking, we grant two months time to the appellant to comply with the order passed by the learned Single Judge. While implementing the order of the Learned Single Judge, the appellant shall ensure strict compliance of the said order so as to safeguard the interests of other respondent, including respondent No.6.

Counsel for respondent Nos. 1 to 4 submits that, in case, the appellant complies with the impugned order, the respondent shall also honour its commitment of executing and registering the relinquishment deal without any delay. This statement is taken on record and the said respondents shall

remain bound by it.

The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 05, 2019

N.Khanna