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

% Judgment delivered on: 30.01.2023

+ RFA 512/2019 & CM APPL. 5983/2020, CM APPL. 3622/2022

KALA DEVI & ANR Petitioners

versus

NANAK CHAND & ORS Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Angad Mehta, Adv.

For the Respondent : Ms. Neha Kapoor, Adv.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. In pursuance of order dated 21.01.2023, Mr. Mehta, learned counsel appearing on behalf of the appellant Nos. 1 & 2 who are present in person makes the following submissions:-

(a) Mr. Mehta submits that the appellants are ready and willing to pay a sum of Rs.3 lacs by way of a cheque to the applicant-Mr. Sunil Thakurani during the course of the day.

(b) Mr. Mehta further submits that the balance amount of Rs.14 lacs which would remain payable after deduction of Rs.3 lacs as aforesaid from the decretal amount of Rs.17 lacs would be

paid @ Rs.50,000/- per month till the same is defrayed completely.

(c) Mr. Mehta also submits that a sum of Rs.50,000/- would be paid on or before 15th of every month on which it becomes due and payable.

2. Ms. Neha Kapoor, learned counsel appearing for the applicant/respondent on the instruction of Mr. Sunil Thakurani, applicant /respondent submits that they have no objection to the mode and manner of payment, however, submits that in case there is any default, a penalty clause should also be introduced in the directions.

3. The aforesaid statement made on behalf of appellant Nos.1 &2 would bind them.

4. In view of the aforesaid, the following directions are passed:-

(i) A sum of Rs.3 lacs by way of cheque bearing No.342287, dated 30.01.2023 drawn on Punjab National Bank, East of Kailash branch is handed over to the applicant by appellant Nos. 1 & 2 in Court today.

(ii) A sum of Rs.50,000/- for the remaining balance amount of Rs. 14 lacs would be paid every month on or before 15th of every month due and payable.

(iii) In case of default in any of the instalments by the 15th of that month, a sum of Rs.5,000/- shall be additionally payable by the appellants to the applicant/respondent.

(iv) The bank details of Mr. Sunil Thakurani, applicant/LR of

respondent No.1 as under:-

Account No.3787837962, Central Bank of India, branch name Kalkaji, New Delhi-110019, IFSC: CBIN0280308, where the deposits are to be made.

(v) Once the total amount of Rs.17 lacs as payable under the decree is defrayed, Mr. Sunil Thakurani shall relinquish his share in the suit property in favour of the appellants who are arrayed as parties in the present appeal by way of a registered relinquishment deed. The expenses for the relinquishment deed, if any, shall be borne by the Mr. Sunil Thakurani i.e. applicant/LR of respondent No.1.

5. In view of the aforesaid, parties are bound by their undertaking as given above.
6. The present appeal along with applications stand disposed of in the above terms.

JANUARY 30, 2023/ms **TUSHAR RAO GEDELA, J .**