

\$~O-32

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

I.A. 538/2019 in
+ CS(OS) 339/2018

**M/S INTERCONTINENTAL CONSULTANTS AND
TECHNOCRATS PVT. LTD. Plaintiff**

Through : Mr. Anish Dayal,
Ms. Mansi Sharma,
Mr. Rupam Sharma and
Mr. A. Ganguly, Advs.

versus

MRS. HIMANI KAPILA & ORS. Defendants

Through : Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. K.K. Malhotra, Adv. for D-1
along with D-1.
Mr. Prosenjeet Banerjee and
Ms. Shreya Singhal, Advs. for D-2.
Mr. V. Hari Pillai and
Mr. Manish Kumar Saryal, Advs. for
D-3.

**CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER
17.01.2019**

%

1. Defendant no.1, present in Court along with her counsel, undertakes to handover the vacant and peaceful possession of the entire suit property bearing No.A-1, West End Colony, New Delhi – 110021 to defendant no.3 on or before 15th March, 2019. Defendant no.1 further undertakes to pay a sum of Rs.2,00,000/- to defendant no.3 within one week and Rs.2,00,000/- within four weeks. Defendant no.1 further undertakes to clear the entire outstanding of the electricity and water charges up to 15th March, 2019.

2. The undertaking of defendant no.1 is accepted by this Court.
3. Learned counsel for defendant no.2, without prejudice to his rights and contentions, submits that defendant no.2 shall pay Rs.1,50,000/- to defendant no.3 within one week and Rs.1,50,000/- within four weeks.
4. Statement of learned counsel for defendant no.2 is taken on record. Defendant no.2 shall remain bound by the statement made by his counsel.
5. Learned counsel for defendant no.3, without prejudice to his rights and contentions, agrees not to execute the decree for possession in respect of the suit property till 15th March, 2019.
6. Learned counsel for defendant no.3 submits that she may be permitted to show the suit property to the prospective tenant.
7. Defendant no.1 is directed to permit the defendant no.3 to show the suit property to prospective tenants. However, defendant no.3 shall give advance written notice to defendant no.1 and shall visit the suit property subject to the convenience of the defendant no.1
8. Defendant No.1 shall remain bound by the undertaking given to this Court. In the event of failure of defendant no.1 to honour her undertaking, she shall be liable for the consequences of violation of undertaking.
9. Learned counsel for the plaintiff does not press this suit in view of the undertaking of defendant no.1 and seeks liberty to avail appropriate legal remedies with respect to the prayers made in application under Order II Rule 2 of the Code of Civil Procedure.
10. The suit is disposed of in terms of the undertaking of defendant no.1 with liberty to the plaintiff as prayed for.
11. Defendant no.1 shall sign the copy of this order sheet before leaving the court.
12. This Court appreciates the assistance rendered by learned counsels for all the parties.

13. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

J.R. MIDHA, J.

JANUARY 17, 2019

mk