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

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Judgment delivered on: 21.12.2020

+ CM(M) 580/2020

ERA CHANDRAN

..... Petitioner

versus

SMITA GOEL

..... Respondent

Advocates who appeared in this case:

For the Petitioner:

Ms. Renuka Arora, Advocate.

For the Respondent:

Mr. Abhishek Gupta, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner impugns order dated 02.03.2020 whereby the application of the petitioner under Order 9 Rule 7 CPC seeking recall of the order dated 08.07.2019 proceeding ex parte against the petitioner has been dismissed. Petitioner also impugns order dated 08.07.2019 whereby petitioner was proceeded ex parte. Petitioner is the tenant in the subject property and respondent has filed the subject Suit for eviction of the petitioner/tenant.
3. Parties were referred to mediation. Parties have settled their disputes through Mediation. Mediation settlement dated 16.12.2020 has been entered into between the parties.
4. In terms of the settlement Learned Counsel for the petitioner undertakes on behalf of the Petitioner that the Petitioner shall vacate and

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hand over the peaceful vacant possession of the tenanted premises i.e LIG Flat No.A-221/2, Second Floor, Ashok Vihar Phase-I, Delhi-110052 to the respondent on or before 15.01.2021. Petitioner also undertakes to pay water and electricity charges. As per the settlement agreement petitioner has undertaken to remove all her belongings except two air conditioners and one sofa set lying in the subject premises. The Settlement Agreement dated 16.12.2020 is taken on record.

5. The undertaking given on behalf of the petitioner is accepted. Petitioner shall remain bound by the terms and conditions of the undertaking.

6. Learned counsel for the petitioner seeks leave to withdraw the petition and also her counter claim before the Trial Court.

7. In view of the above, the Suit for possession filed by the Respondent is decreed. Petitioner is directed to hand over the peaceful vacant possession of the tenanted premises on or before 15.01.2021. The counter claim filed by the petitioner is dismissed as withdrawn. The Trial Court shall pass appropriate consequential decrees.

8. Petition is accordingly disposed of in the above terms.

9. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsels through email.

SANJEEV SACHDEVA, J.

DECEMBER 21, 2020

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