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

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Judgment delivered on: 20th July, 2022

+ RC.REV. 267/2019

BEENA DEVI & ORS

..... Petitioners

versus

MADHVI JAIN & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Amar Nath Saini, Advocate along with petitioner
No. 1 & 4 in person.

For the Respondent:

Mr. Alok Kumar Pandey, Mr. Kunal Prakash and Ms.
Nidhi Malhotra, Advocates

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J

1. Learned counsel for the parties submit that dispute between the parties has been settled.

2. Petitioners are tenants of the respondent in respect of part of the ground floor of property bearing No. 4701/21-A, Ansari Road, Darya



Ganj, New Delhi, more particularly as shown in red colour in the site plan annexed with the eviction petition.

3. Petitioner impugns order dated 12.02.2019 whereby eviction order has been passed in respect of the said property.

4. During pendency of this petition, respondent no. 1 has expired on 06.06.2021 at Jakarta, Indonesia leaving behind respondent no. 2 and 3 and Smt. Deepa Jain as the only surviving legal heirs. The settlement deed dated 15.07.2022 is signed by the surviving respondents and Smt. Deepa Jain and the petitioners. Copy of the settlement agreement has been produced on record. The same is taken on record. Petitioner No. 1 – Smt. Beena Devi and Petitioner No. 4 – Smt. Anu Singh are present in Court.

5. Learned counsel appearing for the petitioners as well as respondents under instructions confirm the settlement agreement.

6. As per the settlement, the petitioners have undertaken to vacate and hand over the peaceful vacant possession of the subject property on or before 31.12.2022. It has also been agreed that the respondents shall pay a sum of Rs. 5 lakhs to the petitioners. Two cheques in the sum of Rs. 2.5 lakh each dated 15.07.2022 and 28.12.2022 have been issued by the respondents in favour of Petitioner No. 1 - Smt. Beena Devi. The undertaking is accepted. Smt. Beena Devi and Petitioner No. 4 - Smt. Anu Singh are present in Court. They undertake that they shall vacate



and hand over the peaceful vacant possession of the subject premises on or before 31.12.2022, subject to encashment of the two cheques. The undertaking is accepted.

7. Learned counsel for the respondents under instructions also undertakes on behalf of the respondents that the cheque shall be honoured on their presentation. The undertaking is accepted.

8. In view of the above settlement and the undertakings, the petition is disposed of in terms of the settlement deed dated 15.07.2022. Parties shall remain bound by their undertakings.

9. Petitioners as well as respondents and Smt. Deepa Jain shall file their respective undertakings within a period of two weeks from today in terms of the Memorandum of Settlement.

10. The petition is accordingly disposed of, with a direction that the impugned eviction order dated 12.02.2019 shall not be executable till 31.12.2022.

SANJEEV SACHDEVA, J

JULY 20, 2022
‘rs’