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

% Judgment delivered on: 15.12.2022

+ RFA(COMM) 101/2022 & CM APPL. 51517/2022
AYUSH GUPTA & ANR. APPELLANTS

versus

SUNIL CHANANA & ANR. RESPONDENTS

+ RFA(COMM) 102/2022 & CM APPL. 51521/2022
AYUSH GUPTA & ANR. APPELLANTS

versus

AJAY CHANAN & ORS RESPONDENTS

+ RFA(COMM) 103/2022 & CM APPL. 51525/2022
AYUSH GUPTA & ANR. APPELLANTS

versus

NISHA CHANANA RESPONDENT

Advocates who appeared in this case:

For the Petitioners: Mr. Salvador Santosh Reballo, Mr. Raghav Sharma,
Ms. Nidhi, Mr. Rahul Kapoor, Ms. Eccha Shukla,
Mr. Kanishk Arora and Mr. Shakshi Goyal,
Advocates

For the Respondent: Mrs. Deepti Kathpalia and Ms. Bhawani, Advocates

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellants impugn order dated 15.10.2022 whereby the

application of the appellants under Order VII Rule 11 CPC seeking rejection of the plaint has been dismissed and the application of the respondents under Order XII Rule 6 CPC seeking a decree of possession on admission has been allowed.

2. The appellants are tenants who had taken on rent the subject premises being first, second and third floors with roof respectively; all by virtue of three registered lease deed all dated 10.05.2019.

3. There were certain disputes between the parties pursuant to which subject suit was filed and the decree of possession has been passed.

4. During the hearing of these proceedings on 13.12.2022, it appeared to the Court that there existed elements of settlement between the parties. Accordingly, the broad terms of settlement were discussed in Court between the parties and consequently the parties have entered into a Memorandum of Understanding dated 14.12.2022. The original MOU along with affidavits of the appellant no. 1 and the respective respondents has been filed in Court. The same are taken on record.

5. We have perused the terms of the MOU and find the same to be lawful. The MOU dated 14.12.2022, affidavits and the undertakings are acknowledged and accepted by the appellants Mr. Ayush Gupta and the respondents – Sunil Chanana, Ajay Chanana and Ms. Nisha Chanana through her nephews Sunil Chanana and Ajay Chanana.

6. Parties undertake that they shall abide by the terms and conditions of the settlement.

7. The undertakings are accepted.

8. In view of the above, the appeals are disposed of in terms of MOU dated 14.12.2022 which shall also form part of this order. It is directed that on payment of first instalment of ₹ 80 lakhs which is payable on or before 30.01.2023, the impugned order dated 15.10.2022 shall be deemed to have been set aside. In case there is a failure on part of the appellants to pay the said amount on or before 30.01.2023, the decree of possession shall remain executable.

9. In view of the settlement having arrived at between the parties, The Registry shall refund the court fees in accordance with the rules. However, this exercise shall be carried out only after 30.01.2023 subject to appellant furnishing the proof of payment of ₹ 80 lakhs. It is also agreed between the parties that the execution proceedings shall be deferred till 30.01.2023 and thereafter shall be subject to this order. Other proceedings between the parties referred to in the MOU shall also be compromised and withdrawn as settled, however after 30.01.2023.

SANJEEV SACHDEVA, J

RAJNISH BHATNAGAR, J

DECEMBER 15, 2022/‘rs’