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

+ EX.P. 98/2022& EX.APPL.(OS) 3754/2022

SHRI DHARAM VIR

..... Decree Holder

Through: Ms. Urfee Haider, Adv.

Versus

SHRI OM PARKASH DHAMIJA & ANR. .... Judgement Debtor

Through: Mr. Dhruv Pande and Mr. Jishnu  
Bhardwaj, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**04.04.2024**

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1. This is a petition filed under Order XXI Rule 10 of the CPC seeking execution of the Consent Decree dated 28.10.2014 passed by this Court in CS (OS) 2286/2010.
2. The parties had arrived at a settlement, wherein the portion marked as B in the site plan was to be in common usage of the decree-holder and the judgment debtor Nos. 1 and 2.
3. It is stated by Mr. Haider, learned counsel for the decree holder that in order to go to the terrace, which is in joint use and occupation of the decree-holder and the judgment debtor Nos. 1 and 2, a staircase needs to be made from the portion marked as B to a similar site on the first floor.
4. Mr. Pande, learned counsel for the judgment debtors states that there is no such direction in the Consent Decree, but in order to put a quietus to the matter, the judgment debtors are not objecting to the same.



5. For the said reasons, it is directed that the decree-holder shall be permitted to make a staircase from the portion marked as B to the corresponding portion on the first floor to use the common terrace, at his own costs and risk.
6. It will be the responsibility of the decree-holder to take all permissions prior to the construction.
7. In addition, the decree-holder shall also ensure the safety and security of the building as well as its occupants.
8. The judgment debtors have no objection to signing any document and will extend all cooperation in this regard.
9. The note handed over by the judgment debtors in Court is taken on record.
10. The execution petition is disposed of in the aforesaid terms.

**JASMEET SINGH, J**

**APRIL 4, 2024/NG**

*Click here to check corrigendum, if any*