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

+ **RFA(COMM) 248/2025& CM APPL. 25904/2025**

JITENDER SINGH AND OTHERS & ORS.Appellants

Through: Mr. Vivek Bhadauria, Advocate,
versus

ASHOK NISCHAL

.....Respondent

Through: Mr. Abhay Mohan Sharma, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

% **04.12.2025**

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed under Section 13 of the Commercial Courts Act, 2015 read with Section 96 of the Code of Civil Procedure, 1908, challenging, *inter alia*, the impugned partial decree dated 5th March, 2025 *qua* the relief of possession, passed by the Id. District Judge, Commercial Court, (Dist. North East), Karkardooma District Courts in **CS(Comm.)60/2024**.
3. The Id. District Judge *vide* the impugned partial decree has granted the relief of possession, in favour of the Respondent (Plaintiff in the suit), *qua* the suit property *i.e.*, ground, first and second floor with roof rights of property bearing no. B-153/1, main market Bhajanpura, Illaqa Shahdara, Delhi.
4. The brief facts of the case are that the suit property is owned by the Respondent and was leased out to the Appellant No. 1, on rental basis, *vide* lease deed dated 14th March, 2017. It is stated that the suit property was



rented out for a period of 12 years at monthly rent of Rs. 1,50,000/-, which would increase every 3 years. It is stated that the said tenancy was terminated by the Respondent *vide* legal notice dated 30th March, 2022. Thereafter, the Respondent had filed the suit for recovery of possession, arrears of rent etc.

5. On 30th April, 2025, the Court had heard Id. Counsels for the Appellants and the main ground which was argued was that though the tenancy was terminated and the legal notice was admitted, the content thereof was not admitted. On the said date, it was also submitted that the Appellants would be willing to vacate the Suit Property if reasonable time is given. On the basis of the said submission, the following directions were issued:

“8. Under these circumstances, the following directions are issued:

(1) The Appellants shall deposit a sum of Rs. 3 lakhs by 26th May, 2025 with the Worthy Registrar General of this Court;

(2) Further amount of Rs. 7 lakhs shall be deposited by 10th July, 2025;

9. Subject to the above deposits, issue notice in the present appeal, limited to the issue of how much reasonable time may be granted for the Appellants to vacate the suit property.

10. Notice be served to the Respondent dasti, including through the Id. Counsel who appears for the Respondent before the District Court.

11. Subject to the above, the Appellant shall not be dispossessed from the suit property till further orders of the Court.”

6. On 30th July, 2025, the Court was informed that the sum of Rs. 3



lakhs was deposited and the sum of Rs. 7 lakhs could not be deposited due to the unfortunate demise of Appellant No. 1-Jitender Singh.

7. Ld. Counsel for the Appellants, on 30th July, 2025 had also submitted that the two children *i.e.*, two daughters namely Ms. Vaishnavi Singh and Ms. Pranjal Singh (wrongly recorded as Master Pranjal Singh in the Memo of Parties) have both attained majority. Their ID cards *i.e.*, Adhaar Card have been handed over to the Court. The parties were also negotiating in the Mediation Centre at Karkardooma District Courts.

8. Today, both Appellant Nos. 2 and 3 have appeared and their ID cards have been verified. Their dates of birth have been seen and it is clear that they have both attained majority.

9. The maternal grandfather of the children, Mr. Virender Pal Singh (Mobile No. 8595976972) is also present. The identity of the grandfather has also been verified.

10. Ld. Counsel for the Respondent also submits that the disputes have been resolved in the Mediation Centre at Karkardooma District Courts.

11. Ld. Counsel for the Appellants also submits that he has no objection if the sum of Rs. 3 lakhs is withdrawn by the Respondent.

12. After hearing both the parties, the following directions are issued:

(i) Let the Settlement Agreement be drawn before the Mediation Centre at Karkardooma District Courts and be filed before the Trial Court in **CS Comm. 60/2024**. The Ld. District Judge, Commercial Courts, after perusing the settlement, proceed in accordance with law under Order XXIII Rule 3 of the Code of Civil Procedure, 1908.

(ii) The sum of Rs. 3 lakhs deposited with the Worthy Registrar General of this Court be released to the Respondent along with the



interest accrued thereon (minus TDS on the interest component), within a period of four weeks. For the said purpose, release be made to the Respondent in person or through Counsel, if an authorisation letter is produced.

(iii) The parties shall appear before the Mediation Centre at Karkardooma District Court to sign the Settlement Agreement and to appear before the Court so that the matter can be finally settled.

13. List **CS (COMM.) 60/2024** before Ld. District Judge, Distt. North East, Karkardooma Courts on 16th January, 2026.

14. The present appeal is withdrawn and disposed of in the above terms.

15. Copy of this order be communicated to the concerned PDJ, Karkardooma for listing the matter on 16th January 2026.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 4, 2025/pt/ck