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Sonu vs.shakuntala

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SooperKanoon Citation : sooperkanoon.com/1203917

Court : Delhi

Decided On : Oct-25-2016

Appellant : Sonu

Respondent : Shakuntala

Advocate for Def. : Mr. R.K. Jain, Mr. Subhash Chander

Advocate for Pet/Ap. : Mr. Jitender Kr. Dhingra

Judgement :

$~4 * + 1. IN THE HIGH COURT OF DELHI AT NEW DELHI RFA4862016 SONU SHAKUNTALA Through : Mr. Jitender Kr. Dhingra, Advocate with appellant in person. ..... Appellant versus Through : Mr. R.K. Jain with Mr. Subhash Chander, Advocates with respondent in person. ..... Respondent CORAM: HON'BLE MS. JUSTICE HIMA KOHLI %

ORDER
2510.2016 The appellant is aggrieved by the judgment and decree dated 20.5.2016 passed in the suit for recovery of possession, damages, mesne profits and permanent injunction instituted against him by his mother in respect of the second floor of property No.20-B/78B, Tilak Nagar, New Delhi, measuring 33 sq. yards. Under the impugned and decree, the trial court has decreed the suit for possession against the appellant and further, directed him to pay the respondent, damages @ Rs.10,000/- p.m. w.e.f. 25.12.2014 till the date of handing over

possession of the suit premises to her.

2. Appearance is entered by learned counsel for the respondent, who states on instructions, that during the pendency of the appeal, the appellant has handed over the vacant peaceful possession of the suit premises to the RFA No.486/2016 Page 1 of 3 respondent on 23.10.2016.

3. Counsel for the appellant confirms the said position and states that the present appeal may now be confined to the aspect of damages assessed by the trial court @ Rs.10,000/- w.e.f. 27.12.2014. He further states that after vacating the suit premises, the appellant has shifted to premises bearing H.No.50B, D-Block, Tilak Vihar, New Delhi.

4. In the course of submissions, it has been enquired from learned counsels for the parties if they are willing to negotiate a settlement with regard to the damages so as to draw the curtains on this unfortunate litigation between mother and son. After some negotiations, counsel for the appellant states, on instructions, that his client is ready and willing to pay a sum of Rs.7,000/- per month to the respondent for the period of 22 months effective from 25.12.2014 till 23.10.2016 in instalments, if granted some reasonable time.

5. Counsel for the respondent states on instructions that his client is agreeable to receiving of the aforesaid amount, but requests that the appellant may be bound down with a fixed schedule and the consequences of non-adherence to the schedule may be spelt out in the order.

6. Having regard to the fact that the damages if calculated @ Rs.7,000/- per month for the period of 22 months would come to Rs.1.54 lacs, it is deemed appropriate to direct the appellant to pay the said amount in four installments. The first three instalments shall be of Rs.40,000/- each and the last and final instalment shall be of Rs.34,000/-.

7. Accordingly, the appellant is directed to pay the first instalment of Rs.40,000/- to the respondent on or before 1.12.2016; the second instalment of Rs.40,000/- on or before 14.1.2017; the third instalment of Rs.40,000/- RFA No.486/2016 Page 2 of

3 on or before 10.3.2017 and the last and final instalment of Rs.34,000/- shall be paid on or before 1.5.2017.

8. The parties have agreed that if there is any default on the part of the appellant in paying any one instalment, then he shall be liable to pay simple interest on the defaulted amount @ 12% p.a. However, in the event of two consecutive defaults, the respondent shall be entitled to forfeit the amount received and seek execution of the judgment and decree dated 20.5.2016, in accordance with law.

9. In token of acceptance of the consent order passed herein above, both the parties along with their respective counsels shall affix their signatures on todays order sheet.

10. The appeal is disposed of. OCTOBER25 2016 sk/ap HIMA KOHLI, J RFA No.486/2016 Page 3 of 3

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