

Archna Dev vs.raj

Archna Dev vs.raj

SooperKanoon Citation : sooperkanoon.com/1204234

Court : Delhi

Decided On : Nov-16-2016

Appellant : Archna Dev

Respondent : Raj

Judgement :

§~3 * + 1.

2. IN THE HIGH COURT OF DELHI AT NEW DELHI RFA4282016 & CM APPL.36263/2016 & CM No.38428/2016(by the appellant u/S48r/w S151CPC for extension of time to make compliance of the order dated 10.8.2016) ARCHNA DEV Appellant Through: Mr.Rakesh Rao, Proxy counsel for Mr.Rajeev Ranjan Pandey, Advocate with appellant in person. RAJ versus Through: Mr. Arun Vohra, Advocate with respondent in person. Respondent CORAM: HON'BLE MS. JUSTICE HIMA KOHLI % This order is in continuation of the order dated 18.10.2016.

ORDER

1611.2016 On the last date of hearing, the appellant and the respondent were directed to remain present to explore the possibility of their arriving at a negotiated settlement. After some interaction between the parties, it has been agreed by the respondent that the appellant may be granted time upto 30.4.2017 to vacate the suit premises on the condition that the she shall hand over the vacant peaceful possession thereof to the respondent on or before the said date and further, on the

condition that she shall continue paying the use and occupation charges in that duration. RFA No.428/2016 Page 1 of 3 3. Mr. Vohra, learned counsel for the respondent states that the appellant has not paid the arrears of the use and occupation charges in respect of the suit premises from June 2016 onwards to the respondent.

4. Learned counsel for the appellant states that a sum of Rs.1,30,000/- which is the decretal amount has already been deposited in the Registry. He however admits that the use and occupation charges @ Rs.14,500/- per month have not been paid to the respondent from June 2016. He states on instructions that the arrears from June to October 2016 shall be paid to the respondent on or before 7th December, 2016 and thereafter, the appellant shall not default in paying the monthly use and occupation charges @ Rs.14,500/- per month directly to the respondent against receipt, till the date of handing over possession of the suit premises.

5. With the consent of the parties, the present appeal is disposed of on the aforesaid lines alongwith the pending applications. The appellant shall file an affidavit undertaking inter alia to hand over the vacant peaceful possession of the suit premises to the respondent on or before 30.4.2017 and continue paying the use and occupation charges in respect thereof, as recorded above. She shall also undertake not to sell, transfer, alienate, part with possession or create any encumbrance in respect of the suit premises. Needful shall be done within one week, with a copy to the other side. The parties agree that in view of the settlement arrived at and recorded above, the respondent shall be at liberty to approach the Registry for release of the decretal amount, along with interest, if any, accrued thereon, as deposited by the appellant. The Registry shall release the decretal amount, along with interest, if any, accrued thereon to the respondent, through counsel. RFA No.428/2016 Page 2 of 3 6. While disposing of the appeal, it is clarified that the respondent shall be at liberty to pursue her suit against the appellant for the remaining reliefs. HIMA KOHLI, J NOVEMBER16 2016 ap RFA No.428/2016 Page 3 of 3