
(2020) 01 DEL CK 0211

In the Delhi High Court

Case No : Civil Writ Petition No. 12500 Of 2019

Bobby Luthra Sinha

APPELLANT

Vs

Union Of Indian & Ors

RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0211

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Ramakant Sharma, Mayank Grover, Manish Mohan, Ridhima Gaur, Manisha Saroha, M. Dutta, Sumehar Bajaj, Bharat Arora, Aditya Gupta

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

W.P.(C) 12500/2019 & CM APPL.51012/2019 (stay), CM APPL.1257/2020 (filed on behalf of petitioner for appointment of Local Commissioner)

1. Petitioner, by this petition, seeks a direction to the respondent Union of India not to evict the petitioner from the accommodation allotted to her husband i.e. premises bearing No. B-26, Ministry of External Affairs, Housing Complex, 37-38, Dr. Radhakrishnan Marg, Chanakyapuri, New Delhi - 110021 till the Flat No.701, Tower 6, Parsavnath Prestige II, Sector - 93A, Noida is renovated and fully functional.

2. It is contended by learned counsel for the petitioner that the subject flat, possession of which has been handed over to the petitioner, is not in a liveable state and is not suitable for the special needs of their child. This is disputed by the learned counsel for the respondents.

3. Without prejudice to the respective stands taken by the parties, parties have arrived at a settlement as under:-

(i) For the purposes of getting the repair and renovation work, Respondent No.3

undertakes to pay a total sum of Rs.10 lakhs to the petitioner, out of which, Rs.5 lakhs shall be paid on or before 23.01.2020 and Rs.5 lakhs to be paid on or before 27.01.2020 by transferring the same directly to the account of the petitioner.

(ii) Petitioner shall get the entire repair work/renovation work done on her own.

(iii) Respondent shall also provide air conditioners for the said flat. Respondent may purchase/hire new air conditioners for being provided for the said flat.

(iv) Subject to Respondent No. 3 paying the said amount of Rs. 10 Lakhs as stipulated hereinabove, Petitioner undertakes to vacate and handover the peaceful vacant possession of the premises i.e. B-26, Ministry of External Affairs, Housing Complex, 37-38, Dr. Radhakrishnan Marg, Chanakyapuri, New Delhi - 110021 to the respondents on or before 29.02.2020.

(v) Respondent No. 3 undertakes to pay the use and occupation charges and other expenses in respect of the property No. B-26, Ministry of External Affairs, Housing Complex, 37-38, Dr. Radhakrishnan Marg, Chanakyapuri, New Delhi - 110021 till 29.02.2020.

4. Learned counsel for the petitioner, under instructions from the petitioner, who is present in Court in person, submits that on receipt of the said amount of Rs.10 lakhs, petitioner shall withdraw the contempt proceedings initiated before the matrimonial Court and also undertakes to abide by the Settlement dated 20.11.2018.

5. Parties further undertake that they shall abide by the other terms and conditions of the Settlement dated 20.11.2018 inter alia filing of the second motion and payment of the settlement amount.

6. The undertakings are accepted.

7. In view of the above, no coercive action shall be taken against the petitioner in respect of the premises No.B-26, Ministry of External Affairs, Housing Complex, 37-38, Dr. Radhakrishnan Marg, Chanakyapuri, New Delhi - 110021 till 28.02.2020.

8. Petition is, accordingly, disposed of in the above terms.

9. Order Dasti under signatures of the Court Master.