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

+ **CONT.CAS(C) 744/2024 & CM APPL. 26696/2024**

AMRIT BOLARIA AND ANR.

..... Petitioners

Through: Mr. Pritpal Singh Bassi, Mr. Arsh Choudhary and Mr. Ravinder Singh, Advocates

versus

RADHEY SHYAM MEENA AND ANR.

..... Respondents

Through: Mr. Ashish Mohan , Mr. Akshit and Mr. Digvijay Singh, Advocates for R-2

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

28.05.2024

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CM APPL. 26696/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 744/2024

3. The present petition has been filed alleging willful disobedience of the order dated 10th July, 2023, passed in CS(OS) 370/2019 and CS (OS) 501/2021, wherein, the following directions had been passed:

“xxx xxx xxx

6. Respective counsel also draw attention to the following stipulation in the settlement agreement dated 15.05.2023 :

"The parties shall jointly get the land demarcated, preferably within a period of 2 months from the date of signing of the present Settlement Agreement. It is further agreed and understood between the Parties that apart from the land admeasuring 4 acres, as detailed hereinabove, the entire remaining land



comprised in Rose Garden/ Rose Land situated at Dera Mor, Village Bhatti shall be owned and possessed by Mr. Adarsh Pal Singh Randhawa."

7. Let the aforesaid exercise be carried out by the revenue / local authorities in terms of the settlement agreement between the parties. The parties are at liberty to approach the said authorities; it is directed that any such request by any of the parties shall be acted upon expeditiously.

xxx xxx xxx"

4. Learned counsel appearing for the petitioners submits that despite representations, the directions passed in the aforesaid order, have not been complied with by the respondents.

5. Attention of this Court has been drawn to the Settlement Agreement dated 15th May, 2023, executed between the parties before the Delhi High Court Mediation and Conciliation Centre, wherein, the details of the land had been given, of which demarcation had been directed. Para 1 of the said Settlement Agreement, reads as under:

"xxx xxx xxx

1. All parties admit and acknowledge both the Wills dated 07.10.2014 and 23.12.2014 executed by Late Dr. Gurdip Singh Randhawa. Accordingly, in terms of the Will dated 23.12.2014 executed by Late Dr. Gurdip Singh Randhawa, Dr. Amrit Bolaria and Amardeep Mantaj Singh, part of the Second Party have inherited 2 acres each of land (out of total approximately 11.0 acres of farm land known as Rose Garden/Rose Land situated at Dera Mor, Village Bhatti, Chhatarpur - Bhatti Mines Road, New Delhi), (including Rasta of 25 feet to their land connecting to the main road). It is agreed and understood between the parties that the said 4 acres of land as mentioned in clause (i) of the will dated 23.12.2014 executed by Late Dr. Gurdip Singh Randhawa is comprised in Khasra Nos. 317 (2 Bighas 2 Biswas), 318 (2 Bighas 12 Biswas), 319 (14 Biswas) , 327 (1 Bigha 5 Biswas) and 328 (10 Bigha 19 Biswas). It is further agreed and understood that the portion of the rasta falling to the share of Dr. Amrit Bolaria and Amardeep Mantaj Singh is total 1 Bigha 12 Biswas and is falling in Khasna Nos. 353, 323, 322, 321 and 320. A copy of the revenue map as available on the website of the Revenue Departments annexed herewith as Annexure E and the same shall be



deemed to form part and parcel of the present compromise. Further, the symbolic possession of the said 4 acres of land has been delivered to Dr. Amrit Bolaria and Mrs. Amardeep Mantaj Singh at the spot and first party shall have no objection in case any barbed wire/pillars are affixed or any boundary wall is being raised by Dr. Amrit Bolaria and Mrs. Amardeep Mantaj Singh in the said land, being their ownership and under their possession. The parties shall jointly get the land demarcated, preferably within a period of 2 months from the date of signing of the present Settlement Agreement. It is further agreed and understood between the Parties that apart from the land admeasuring 4 acres, as detailed hereinabove, the entire remaining land comprised in Rose Garden/ Rose Land situated at Dera Mor, Village Bhatti shall be owned and possessed by Mr. Adarsh Pal Singh Randhawa.

xxx xxx xxx”

6. Issue notice. Notice is accepted by learned counsel appearing for respondent no. 2.
7. Let notice be issued to respondent no. 1.
8. Reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
9. Re-notify on 2nd September, 2024.

MINI PUSHKARNA, J

MAY 28, 2024

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