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

+ **MAT.APP.(F.C.) 371/2023**

ASHA MOHAN

..... Appellant

Through: Mr. S.C. Sagar and Ms. Swati,
Advocates alongwith appellant in
person.

versus

SIDDHARTHA MOHAN

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

04.01.2024

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[Physical Hearing/ Hybrid Hearing (as per request)]

C.M. No. 64753/2023

1. Counsel for the appellant says that he does not wish to press the above-captioned application.

1.1 The application, is accordingly, closed.

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2. Via the impugned order dated 31.10.2023, the learned Single Judge has dismissed the execution petition filed by the appellant.

2.1 The execution petition was based on the Memorandum of Understanding (MOU)/Settlement dated 22.03.2014 arrived at between the decree holder and the judgment debtor under the aegis of the Mediation Cell,

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Family Court, Saket, New Delhi. Based on Clause 9 of the MOU/Settlement, the appellant sought relief in the form of rent for the property to which the appellant had moved. 3. For convenience, the relevant clause is extracted hereinbelow:-

“9. It is further agreed between the parties that if any party fails to abide this MOU/Contract, the other party will at liberty to recourse the litigation mentioned thereof and status as present at the time of making this MOU would prevail and the second party would vacate the Top Floor of DDA Flat at 41-H/K, Sheikh Sarai-II, New Delhi-110017 peacefully without any claim and shift to Madangir DDA Flats. The existing rent would be paid by the First Party. This is the essence of this contract.”

[Emphasis is ours]

3. We are informed that the appellant is presently residing in rented premises described as 193, 4th Floor, RPS Colony, Khanpur, New Delhi-110062.
4. We are also told that the appellant is paying a monthly rent of Rs.16,000/-, excluding water and electricity charges.
5. Issue notice to the respondent *via* all permissible modes, including e-mail.
6. List on 09.02.2024.

RAJIV SHAKDHER, J.

AMIT BANSAL, J

JANUARY 4, 2024

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Click here to check corrigendum, if any