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

+ RSA 76/2016

MASTER TARUN PAWAR & ORS Appellants
Through: Mr. Tanmaya Mehta & Mr. Ankit
Agarwal, Advs.

versus

RAJ SINGH & ORS Respondents
Through

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **14.03.2016**

CM Appln.9278/2016

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

RSA 76/2016 & CM Appln.9277/2016

The appellants/plaintiffs had filed a suit bearing No.343/2006 seeking permanent injunction and possession in respect of a house in Hauz Khas. The Trial Court decreed the suit in favour of the appellants/plaintiffs regarding the relief of injunction. However, the relief with respect to the recovery of possession was refused.

The First Appellate Court affirmed the aforesaid findings returned by the Trial Court.

Learned counsel for the appellant submits that both the courts below have erred in not giving due weightage to family settlement dated

10/14.07.1999 (Ex.PW1/20), which, according to the assertion of the appellant, was duly proved and was an enforceable document. It is further submitted that denial of relief of possession, when relief by way of permanent injunction has already been granted is not in consonance with the provisions of law.

Issue notice to all the respondents by both modes ordinary as well as under registered cover subject to the filing of process fee within a period of three weeks from today, returnable on 19.05.2016.

Considering the fact that the appellants and respondents come from the same stock of family, the status quo with respect to the property shall be maintained.

Call for the Trial Court as well as the Appellate Court records in the meanwhile.

ASHUTOSH KUMAR, J

MARCH 14, 2016

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