

COCN No. 1172 of 2015
Date of decision: 31.07.2015

Madhu

.....Petitioner

versus

Rajinder Kumar and others

.....Respondents

COCN No. 1173 of 2015

Madhu

.....Petitioner

versus

Rajinder Kumar and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rakesh Gupta, Advocate
for the petitioner(s).Mr. Ashutosh Gupta, Advocate
for the respondent(s).**Rakesh Kumar Jain, J.(Oral)**

This order shall dispose of two petitions bearing COCP Nos. 1172 and 1173 of 2015. For orders the facts are taken from COCP No. 1172 of 2015.

In short, in a suit for possession, in which second appeal reached this Court, the respondent gave an undertaking to handover the vacant possession to the petitioner within a period of one year. Accordingly, the respondent was to handover the vacant possession upto 30.04.2015. Since respondent did not abide by the undertaking given by him, therefore, in the month of May, the petitioner filed the present petitions for initiating

COCP Nos. 1172 & 1173 of 2015

the contempt proceedings against him.

After notice, respondent has put in appearance and submitted that the respondent was not at fault in abiding by the undertaking given to this Court as the possession was offered on 21.04.2015 by handing over the keys of the shops in question, but the petitioner refused to give the receipt of possession. Today, the respondent has handed over the key of both the shops to the petitioner.

In view thereof, I do not find any reason to continue this petition and hence, this petition is disposed of as having been rendered infructuous.

Rule discharged.

A photocopy of this order be placed on the file of the another connected case.

31st July, 2015
Shivani Kaushik

[RAKESH KUMAR JAIN]
JUDGE