

\$~7

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

+ W.P.(C) 628/2015 and CM No. 4258/2015

L.S. VASWANI

..... Petitioner

Through: Mr N. Prabhakar, Adv.

versus

THE REGISTRAR, CO-OPERATIVE SOCIETIES ..... Respondent

Through: Mr D. Naushad Ahmed Khan, ASC (Civil),  
GNCTD with Ms Astha Nigam, Adv.

Mr Ravi Gupta, Sr. Advocate, Mr V.P. Rana, Mr  
Sachin Jain and Ms Bhoomija Verma, Advs. for R-2

**CORAM:**

**HON'BLE MR. JUSTICE S. RAVINDRA BHAT**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**

%

**10.02.2016**

In this petition, the relief claimed by Mr Vaswani is to direct the Financial Commissioner to decide two revision proceedings, i.e., Review Petition Nos. 422/2011 and 201/2014.

The writ petitioner's grievance is that despite the final judgment dated 03.03.2010, declaring his entitlement to the flat—which was questioned by the respondent (applicant in disposed of W.P.(C) No.723/2008), the Financial Commissioner stayed the proceedings pending before the Registrar, which were really meant to effectuate the final judgment and order of this Court.

This Court is informed that the orders of the Financial Commissioner were stayed and set aside in W.P.(C) No. 7162/2012. During the course of hearing, the learned counsel for the second respondent Shri Virendra Yadav submitted that in the event the Society deposits the concerned amount with the Registrar, Cooperative Society within four

weeks, the flat too would be vacated and handed over to the Society.

In view of the above statement, the following directions are issued to the second respondent Shri Virendra Yadav a) he shall file an undertaking before this Court with copy to the counsel for the respondents within a week in the form of an affidavit unequivocally stating that possession of the Flat No.57, New Subhash Cooperative Group Housing Society would be handed over to the said society within four weeks from today; b) he shall also state in the said affidavit/undertaking that no third party rights in respect of the said flat would be created by him and shall handover the vacant and peaceful possession of the said property to the Society. The said Cooperative Group Housing Society is hereby directed to deposit the concerned amount with the Registrar within four weeks. The Society shall also deposit the keys with the Registrar within a week of getting the possession of the flat. The Registrar shall, after receiving the deposit and the keys, handover the possession of the said flat to the applicant and return the concerned amount to respondent No.2 Shri Virendra Yadav within six weeks from today.

The writ petition is disposed of in terms of the above directions.

**S. RAVINDRA BHAT, J**

**DEEPA SHARMA, J**

**FEBRUARY 10, 2016**

**bg**