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

+ CONT.CAS(C) 293/2016 & CM No.11110/2016

LAL S VASWANI

..... Petitioner

Through: Mr. (appearance not given), Adv.

versus

VIRENDER KUMAR YADAV & ORS

..... Respondents

Through: Mr. Naushad Ahmed Khan, ASC for
GNCTD with Ms. Astha Nigam, Adv.
Mr. Harsh Chandra, Adv. for R1.
Mr. S.K. Nalia, Adv. for R3.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **03.05.2016**

1. Vide order dated 10th February, 2016 in W.P.(C) 628/2015, the Division Bench directed respondent No.1 to handover the possession of Flat No.57, New Subhash Cooperative Group Housing Society to the Society within four weeks. The Division Bench further directed the New Subhash Cooperative Group Housing Society to deposit the keys of the said flat as well as the concerned amount with the Registrar within one week thereof. The Court further directed that the Registrar, receiving the deposit and the keys, to handover the possession of the said flat to the petitioner and return the concerned amount to respondent No.1 within six weeks.

2. Learned counsel for the petitioner admits that respondent No.1 has handed over the keys of the said flat to the society; that the society thereafter deposited the keys with the Registrar and the Registrar handed over the keys to the petitioner on 17th March, 2016. Copy of the letter regarding handing over the keys by the petitioner from the Registrar is Annexure P3. The

grievance of the petitioner is that flat is in a dilapidated condition and respondent No.1 was liable to restore the same in good condition before handing over the possession.

3. There is no such direction given by the Division Bench in the order dated 10th February, 2016 and, therefore, the non-restoration of the flat in good condition by respondent No.1 cannot be said to be violation of the order dated 10th February, 2016.

4. At this stage, learned counsel for the petitioner seeks permission to withdraw this petition with liberty to claim damages in respect of the said flat from respondent No.1 in accordance with law.

5. The petition and the pending application are dismissed as withdrawn with liberty as prayed for.

J.R. MIDHA, J.

MAY 03, 2016
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