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

+ **CONT.CAS(C) 563/2016**

PUSHPA DEVI

..... Petitioner

Through Mr.R.P.Pandey, Advocate.

versus

ANIL KUMAR & ORS

..... Respondents

Through Mr.Rajni Kant, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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11.07.2016

1. In view of Notification No.1078/G-4/Gen./DHC dated 6th July, 2016, the cases fixed for 8th July, 2016 have been taken today.
2. It is pertinent to mention that the present contempt petition has been filed alleging wilful disobedience of order dated 13th November, 2014 passed in RC.REV.No.414/2012 whereby the Court directed the respondents to vacate the suit/tenanted premises on or before 31st March, 2016.
3. Learned counsel for the petitioner states that despite an undertaking given by the respondents, the tenanted premises was vacated only on 8th June, 2016.
4. On the other hand, learned counsel for the respondents states that the respondents had filed an application for extension of time for surrendering the shop and after the said application was dismissed, the possession of the premises was handed back to the petitioner on 19th April, 2016. He states that the respondents are willing to pay the user charges as well as electricity and water charges till the said date.

5. In rejoinder, learned counsel for the petitioner has handed over a receipt dated 8th June, 2016 duly executed by the petitioner and the respondents as well as the two witnesses. The said receipt reads as under:-

“ We, (1) Ram Niwas son of Shri Kichhu Mal, (2) Anil Kumar son of Shri Kichhu Mal, (3) Raj Kumar son of Shri Kichhu Mal, (4) Ramesh Kumar son of Shri Kichhu Mal, (5) Shiv Kumar son of Shri Kichhu Mal, residents of A-6 Chet Ram Gali, Maujpur, Delhi-110053, have today vacated the shop No.201/2-B, Main Road, Maujpur, Delhi and handed over its vacant physical possession of the said shop to its owner of Smt.Pushpa Devi wife of Shri Sri Ram Mishra, resident of 201/2B, Main Road, Maujpur, Delhi, in compliance of our undertaking given before the Hon’ble High Court in Revision filed by us. Now we have placed Smt. Pushpa Devi in physical possession of the said shop and hence forth we are left with no right of any kind whatsoever.”

6. Learned counsel for the respondents does not dispute the signatures of the respondents on the said receipt.

7. Since the said receipt clearly states that the premises have been handed back today i.e. 8th June, 2016, this Court directs the respondents to pay the user charges as well as the water and electricity charges till 8th June, 2016.

8. At this stage, learned counsel for the petitioner states that in the event a sum of Rs.5,169/- is paid, the petitioner shall not press the present contempt petition. The respondent has today in Court paid the aforesaid amount to the learned counsel for the petitioner. In view thereof, the present contempt petition is disposed of as satisfied.

MANMOHAN, J

**JULY 11, 2016
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