

\$~1

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

+ **CO.APP. 11/2016**

ANIL KUMAR Appellant
Through Mr.J.P. Sengh, Sr. Adv. With
Mr.Jaspreet S. Rai and Mr.Ishan
Rohan, Adv.

versus

ESTERN LINKERS (P) LTD Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN SINGH
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER
% **06.06.2016**

C.M. No.23297/2016 (exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

CO.APP. 11/2016 & C.M. No.23296/2016

The present appeal under Section 483 of Companies Act, 1956 is filed against the order dated 31st March, 2016.

On 31st March, 2016, Mr.Anil Arora gave the undertaking before the Court. The relevant extract of the order reads as under:

“6. I have asked the learned counsel, appearing for Mr Anil Arora, to demonstrate as to how his client, i.e. Mr Anil Arora, secured possession of the said property after it was sealed by this court vide order dated 11.06.1981.

6.1 Learned counsel, after some arguments, has conceded before me that his client did not have any material available with him, whereby, he could establish either the basis of his occupation or his right, title or interest in property No.A-46.

6.2 Accordingly, learned counsel submitted that his client, i.e. Mr. Anil Arora will hand over physical possession of the aforementioned property No.A-46 to the OL within two and a half months from today.

6.3 Resultantly, Mr Anil Arora, who is also present in court, undertakes to hand over the possession of the property No.A-46, for the time being, to the OL, on or before 15.06.2016.

6.4 Mr Ganju, for the moment, is agreed to such a direction been issued.

7. Accordingly, Mr Anil Arora will hand over physical possession of the property No.A-46, to the OL, on or before 15.06.2016. The OL will seal the said premises and await further directions of this court. In case police assistance is required, the concerned SHO will render due assistance.

7.1 Mr Anil Arora, in any case, has been made cognizant of the consequences of the undertaking given to this court.

7.2 While taking possession, the OL will bear in mind the site plan appended to Mr. Mohd. Shariq’s report. The site plan, as indicated, is appended as annexure P-4 to the said report.”

The present appeal has been filed challenging the said order. Once the undertaking is given by Mr.Anil Arora, he is duty bound to comply the

same. There is no merit in the appeal. The same is dismissed.

**MANMOHAN SINGH
(VACATION JUDGE)**

**SANJEEV SACHDEVA
(VACATION JUDGE)**

JUNE 06, 2016/jk