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

+ CONT.CAS(C) 672/2014

BEENAA S AGGARWAL & ORS

..... Petitioners

Through: Ms. Neha Kapoor, Adv. with P3 in
person.

versus

NEERAJ CHOPRA

..... Respondent

Through: Mr. Tarun Rana, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **21.03.2016**

1. Learned counsel for petitioner submits that the respondent furnished an undertaking dated 03rd September, 2013 in RFA No.418/2013 to handover the vacant and peaceful possession of basement admeasuring 1400 sq. ft. in property No.35, Basant Lok, Vasant Vihar, New Delhi to the petitioner on 31st May, 2014 and to make the payment of damages @ Rs.55,000/- per month along with electricity and water charges till then.
2. It is submitted that the respondent handed over the possession of the subject premises to the petitioner on 16th August, 2014 but has not made the payment of the damages after 31st May, 2014.
3. Learned counsel for the respondent submits that respondent handed over the keys of the subject premises to the petitioner on 31st May, 2014. It is further submitted that the respondent intimated the petitioner that some goods were lying in the premises which were to be taken by Nokia within a week to which the petitioner gave no objection which is recorded in the letter dated 31st May, 2014. It is further submitted that Nokia lifted the balance goods from the premises on 16th August, 2014. It is further

submitted that the delay in lifting the goods have not caused any loss or prejudice to the petitioner as the premises were lying vacant and unused even till very recently. It is further submitted that there is no deliberate or wilful violation of the undertaking given to the Court.

4. On careful consideration of rival contentions of the parties, this Court is satisfied that there is no deliberate or wilful violation of the undertaking given to this Court as the respondent handed over the keys of the subject premises to the petitioner on 31st May, 2014 itself to honour the undertaking given to this Court.

5. No case for contempt is made out. Contempt Petition is, therefore, dismissed with liberty to the petitioner to recover the outstanding amount from the respondent. The notice issued to respondent is discharged.

6. Learned counsel for the petitioner submits that suit for recovery of damages is pending against the respondent before the District Court. The petitioner is at liberty to recover the outstanding amount in the pending suit or file a fresh execution against the respondent.

7. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MARCH 21, 2016
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