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

+ **CONT.CAS(C) 771/2016**

KHAZAN SINGH

..... Petitioner

Through: Mr. Suresh Sharma, Adv.

versus

SAHBUDDIN (LR OF AZIZ AHMED)

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **01.06.2016**

CM 22349/2016

Allowed subject to just exceptions.

CONT.CAS(C) 771/2016

1. Learned counsel for the petitioner submits that the respondent has violated the order dated 12th May, 2016 by not handing over the vacant and peaceful possession of premises bearing No.15/1656-B, Opposite Nirankari Mandir, Gobindpur, New Delhi-110019 on or before 22nd May, 2016.
2. Learned counsel for the petitioner submits that on 18th May, 2016, the respondent sent a SMS on petitioner's mobile offering the possession of the subject premises whereupon the petitioner visited the premises and found no roof, windows and doors and therefore, the petitioner refused to take the possession till the premises are restored to its original possession.
3. The petitioner has filed the photographs of the premises as Annexures P-9 to P-15. The photographs reveal that the premises are in a dilapidated condition and the photographs do not show any sign of fresh demolition action alleged to have been done by the petitioner.

4. This court is of the prima facie view that the respondent having offered the possession of the subject premises to the petitioner on 18th May, 2016, is not guilty of the contempt. However, if the respondent has in any manner damaged the premises before offering the possession, the appropriate remedy for the petitioner is to take the possession, assess the damages and thereafter recover the same in accordance with law from the respondent.

5. The petition is dismissed. Needless to say that the petitioner is at liberty to take over the possession and recover the damages, if any, from the respondent in accordance with law.

J.R. MIDHA, J.

JUNE 01, 2016

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