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

+ **CONT.CAS(C) 108/2017 & CM APPL. 28877/2017**

RAJBIR SINGH DUA & ANR Petitioners
Through **Mr. Hemant Malhotra, Advocate.**

versus

UMA THUKRAL & ANR Respondents
Through **Ms. Ekta Sikri and Mr. Jasbir Bidhuri,**
Advs.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **02.11.2017**

Ms. Sikri, ld. counsel for the respondent submits that as of today, physical possession of the subject property already stands with the petitioners. Mr. Malhotra ld. counsel for the petitioner on his part however, submits that the possession has not come to be received by the petitioner in strict compliance of the undertaking given to this Court and it has not been fair on the part of the respondents. Ld. counsel for the respondents on her part however, submits that there was some delay, but, it was not intentional, inasmuch as, on 1.1.2017 itself, the respondents were wishing to handover the physical possession of the part of the property, which was actually in their possession, but, the petitioners did not join for the purpose and as and when the respondents, got the remaining possession also, in the execution proceedings against the occupants, immediately thereupon,

the entire property has come to be handed over and it was so taken over by the petitioners.

Keeping in view the totality of the facts and circumstances and the statements made, this Court does not consider it appropriate to proceed further with the instant proceedings and the petition is disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 02, 2017

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