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

+ W.P.(C) 7386/2019 and C.M. No. 30791/2019

MRS. SANDEEP KOUR ..... Petitioner

Through: Ms. Archana Ramesh, Advocate.

versus

UNION OF INDIA AND OTHERS ..... Respondents

Through: Mr. Anil Soni, CGSC and  
Ms.Manpreet Kaur Bhasin, Advocate  
for respondents No.1 to 3.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

**11.07.2019**

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At the outset, learned counsel for the petitioner submits that though the petitioner is not entitled to continue to occupy the accommodation provided by the respondents on account of employment of respondent No.4 – the petitioner's estranged husband, she is seeking indulgence of this Court in view of the fact that the HMA proceedings, which have been transferred by the Supreme Court from the Family Court, Jammu to Family Court, Dwarka, have still not reached the Dwarka Courts and, therefore, the petitioner cannot seek relief from the said Court.

We had put it to learned counsel for the petitioner that in these circumstances, the petitioner could move the Supreme Court for the relief that she has sought in the petition.

Learned counsel for the petitioner, on instructions from the petitioner, gives an undertaking to this Court that the petitioner shall vacate the said accommodation within two months from today and shall not seek any extension of time for the said purpose. We accept the said undertaking and the petitioner shall remain bound by it. In case the petitioner does not vacate the accommodation before, or at the end of two month period, it shall be open to evict her by use of force. Only on account of the said undertaking being furnished, we permit the petitioner to occupy the Government accommodation for a further period of two months from today – at the end of which, she should surrender peaceful vacant possession thereof to the respondents. This is without prejudice to the rights of the respondents to recover the penal rent/ damages in respect of the continued occupation of the said accommodation by the petitioner, which may be recovered from respondent No.4. This direction is without prejudice to the rights of Respondent No.4 that he may have against the petitioner.

The petition stands disposed of in the aforesaid terms.

Order Dasti under the signatures of the Court Master.

**VIPIN SANGHI, J**

**RAJNISH BHATNAGAR, J**

**JULY 11, 2019**

*B.S. Rohella*