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

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Judgment delivered on: 13.10.2020

+ CONT.CAS(C) 333/2020

SHRI MOBEEN KHAN

..... Petitioner

versus

SHRI OBAID KHAN

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Pankaj Gupta with Ms. Rimpay Gupta, Advocates.

For the Respondent: Ms. Lubna Naaz with Ms. Jyoti Singh and Ms. Aadya Mishra, Advocates.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CONT.CAS(C) 333/2020 & CM APPL.14377/2020 (for interim directions)

1. The hearing was conducted through video conferencing.
2. By the present petition, petitioner seeks initiation of proceedings against the respondent for failing to comply with the undertaking given on 18.02.2014 to vacate the property No.49-B, Khan Market, New Delhi on or before 30.06.2020.

3. Learned counsel for the respondent submits that in view of the lockdown, property could not be handed over to the petitioner on 30.06.2020.

4. By order dated 05.08.2020, this Court had directed the respondent to vacate and handover the possession on or before 31.08.2020.

5. Affidavit has been filed by the respondent contending that on 28.08.2020, a person named Kayyum Siddiqui, who was the caretaker/attendant of the petitioner, inspected the premises and accepted the possession of the premises. It is contended that in these circumstances, premises were handed over on 31.08.2020 in the presence of Mr. Kayyum Siddiqui.

6. Learned counsel for the petitioner disputes that Mr. Kayyum Siddiqui is the caretaker/attendant of the premises of the petitioner. He, however, confirms that as on date the possession of the premises is with the petitioner. Though it is disputed that the possession has been handed over.

7. In view of the fact that the petitioner, today, admittedly, is in possession of the subject property, there is no ground to disbelieve the affidavit of the respondent.

8. Learned counsel for the petitioner submits that there are water and electricity dues still pending.

9. Learned counsel for the respondent undertakes that in case there are any pending water and electricity dues for the period up to 31.08.2020, respondent undertakes to pay the same as and when a copy of the bill is furnished to the respondent. The undertaking is accepted.

10. In view of the above, no further orders are called for in this petition. The Petition is, accordingly, disposed of.

11. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

OCTOBER 13, 2020
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SANJEEV SACHDEVA, J

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