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

% Judgment delivered on: 12.10.2020

+ CONT.CAS(C) 516/2020

RAJAN KATHURIA

..... Petitioner

versus

NAVEEN KUMAR SAHNI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Vinay Sharma, Advocate.

For the Respondent: Mr. Manish Kaushik, Advocate.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

CONT.CAS(C) 516/2020

1. The hearing was conducted through video conferencing.
2. Petitioner has filed the subject petition contending that the respondent had failed to vacate the premises in terms of the undertaking given on 06.12.2018.
3. Learned counsel appearing for respondent contends that the premises were vacated on 29.02.2020 and thereafter on 12.03.2020, an application was filed before the Rent Controller in Ex.Pet.64/2017 and the keys were deposited in Court.
4. It subsequently transpired that the keys were not available on the Trial Court record though the application filed by the respondent was available on record.

5. On 29.02.2020, respondent had not objected to Petitioner taking over possession after breaking open the lock fixed on the premises.

6. It is confirmed by learned counsel for the petitioner that the possession has been taken over on 30.09.2020. He, however, submits that user and occupation charges and arrears of water bill charges are still to be recovered.

7. Learned counsel for the respondent submits that since respondent had offered possession and deposited the keys in Court, he is not liable to pay any use and occupation charges thereafter.

8. Learned counsel for the respondent further submits that even as per the eviction petition there is no water connection provided to the premises of the respondent.

9. Learned counsel for the petitioner submits that without prejudice to his rights to file an independent claim before an appropriate forum with regard to user and occupation charges as also the water charges, he seeks leave to withdraw the petition.

10. Petition is, accordingly, dismissed as withdrawn.

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 12, 2020
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SANJEEV SACHDEVA, J