

\$~72

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

% Judgment delivered on: 15.05.2023

+ CM(M) 810/2023

BHARAT AGARWAL & ORS

..... Petitioner

versus

NMDC LIMITED

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Tarun Singla and Mr. Vasu Goyal,
Advocates alongwith petitioner no.1.

For the Respondent : Mr. Kailash Pandey and Mr. Ranjeet
Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

CM APPL. 25152/2023

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CM(M) 810/2023

3. The petitioners challenge the order dated 21.04.2023 passed in CS (COMM) No. 788/2022 titled *Bharat Agarwal & Ors vs NDMC Limited* (apparently it is an error since learned counsel for the petitioner submits that the correct name of the respondent is 'NMDC Limited') whereby

the application under Section 151 of CPC, 1908 filed on behalf of the petitioner seeking the direction to the respondent/defendant to hand over the keys of the property bearing Unit No. 109-109A, 1st Floor, Surya Kiran Building, 19 Kasturba Gandhi Marg, New Delhi, was dismissed.

4. Mr. Kailash Pandey, learned counsel appears for the respondent on advance notice and submits that the respondent is agreeable to handing over the keys without prejudice to the rights and contentions of the respondent to raise before the learned Trial Court the objection that, the mere handing over the keys now, will not tantamount to an admission on their part that they were in fact in possession of the subject suit property from 31.08.2020 till date.

5. Mr. Tarun Singla, learned counsel appearing for the petitioner also submits that the acceptance of the original keys are also without prejudice to his own rights and contentions raised before the learned Trial Court to claim that the possession was continuing with the respondent till date and the ancillary damages, etc. raised before the learned Trial Court.

6. In view of the aforesaid, the objections and contentions of the respective parties are reserved.

7. Mr. Singla, learned counsel appearing on behalf of the petitioners submits that the Authorized Representative of the petitioner will approach Mr. Pandey, learned counsel for the respondent on 23.05.2023 at 4:00 PM at 92, Old Chambers, Supreme Court compound, New Delhi, against a valid receipt.

8. Mr. Pandey, without prejudice, reiterates the stand taken by NMDC that the possession of the property was handed over to the

petitioner on 27.08.2020, which is disputed by the petitioner.

9. In view of the aforesaid, the petition is disposed of with no order as to costs.

TUSHAR RAO GEDELA, J.

MAY 15, 2023

ॐ

