



\$~10

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

+ **RC.REV. 15/2023**

SANTOSH MAHESHWARI THROUGH LEGAL HEIRS

..... Petitioner

Through: Mr. Tarun Sharma, Mr. Abid Ali and
Mr. Manek Sharma, Advocates

versus

RAJESH KUMAR KASHYAP

..... Respondent

Through: Mr. Ch. Rabindra Singh, Mr.
Harinder Chowdhary, Mr. Paras
Aggarwal, Ms. Ekta Singh, Ms. Preeti
Garg and Ms. Khushboo Malik,
Advocates

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

22.05.2024

%

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 3015/2023 (stay)

1. Despite last order, describing in detail the conduct of the petitioners and directing their personal appearance in Court today, none of them have appeared. Counsel for petitioners submits that petitioners no.1 and 2 namely Sh. Rajender Prasad and Ms Nidhi could not be informed about the last order by him. As regards, petitioner no.3 Nitin, it is submitted that he is in Ludhiana and is suffering with depression.
2. I am not satisfied with explanation regarding non appearance of the petitioners, who had been granted opportunity on last date to address as to why contempt proceedings be not initiated against them.
3. However, at this stage, it is pointed out by learned counsel for



respondent that after last date of hearing, the petitioners/tenants restored possession of the subject premises to the respondent/landlord on 16.05.2024 without making him go through the execution proceedings, though till date he has not cleared the use and occupation charges, which in itself is a cause for initiating contempt proceedings.

3. The circumstances in which last order was passed were that despite having undertaken on affidavit to vacate the subject premises and pay the use and occupation charges, the petitioners did not adhere to the same and rather took a stand that they wanted to withdraw this petition, stating that the respondent/landlord is free to file execution proceedings. But now that the petitioners have partly complied with their undertaking by handing over the possession of the subject premises to the respondent/landlord, request of counsel for petitioners for permission to withdraw this petition is allowed and accordingly, the present petition is dismissed as withdrawn, though with liberty to the respondent to initiate appropriate legal proceedings including a formal contempt petition, if so advised pertaining to the remaining aspects.

4. The pending application, accordingly, stands disposed of.

GIRISH KATHPALIA, J

MAY 22, 2024/ry

Click here to check corrigendum, if any