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

+ **CONT.CAS(C) 619/2024**

MUNNA LAL RAM DAYAL

..... Petitioner

Through: Mr. Vijay Gupta with Ms. Geeta
Goel, Advocates.
(M): 9811045388

versus

VIRENDER KUMAR GUPTA AND ORS.

..... Respondents

Through: Mr. Ravi Gupta, Senior Advocate
with Mr. Harshit Aggarwal, Ms.
Akriti Jain and Ms. Muskaan Mehra,
Advocates.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

01.05.2024

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1. The present petition has been filed alleging willful disobedience of the judgment dated 22nd October, 2019 passed in *RC. REV. 143/2018*, wherein the respondents were directed to handover the peaceful possession of the premises, i.e., ground floor of Shop bearing Municipal No.17, Main Road, Chawri Bazar, Delhi-110006 by 31st March, 2024.
2. The contempt petition came to be filed, as it was alleged that till date possession of the aforesaid shop has not been handed over to the petitioner.
3. When the present matter was listed for hearing on 15th April, 2024, learned counsel appearing for the respondent had made a submission that the shop in question had been lying closed since 31st March, 2024. It was further



recorded that the respondents had approached the petitioner for the purposes of handing over the keys of the shop in question, however, the petitioner refused to receive the keys.

4. Thus, it was recorded that the respondents were ready to handover keys of the shop to the petitioner before the Court itself.

5. Since, the learned counsel appearing for the petitioner raised certain objections with respect to the fact that some damage may have been caused to the shop in question, this Court had appointed a Local Commissioner, who was directed to visit the shop along with the parties, so that the possession of the shop in question, could be handed over to the petitioner.

6. Pursuant to the order dated 15th April, 2024, the Local Commissioner has filed her report, wherein, it is clearly stated that the possession of the shop in question has been handed over to the petitioner. She has also filed certain photographs along with the report, to show that there has been some damages to the walls of the shop in question.

7. At this stage, learned counsel appearing for the petitioner submits that the report of the Local Commissioner clearly shows that the damage has been caused to the shop of the petitioner, which is in breach of the undertaking. However, the said fact is denied by learned Senior Counsel appearing for the respondents.

8. Learned counsel for the petitioner also submits that since the possession of the shop in question has been handed over belatedly to the petitioner, the petitioner is also entitled for damages.

9. However, the aforesaid facts are disputed by learned Senior Counsel appearing for the respondents. He submits that the submission of the respondents is clearly recorded in the order dated 15th April, 2024, that the



shop in question has been lying closed since 31st March, 2024 and that the respondents had approached the petitioner many times for handing over the keys of the shop in question, which the petitioner had refused.

10. Since, the possession of the shop in question has already been handed over to the petitioner, no further orders are required to be passed in the present proceedings. However, the petitioner is granted liberty to take action in accordance with law, in case, the petitioner wants to pursue his remedy as regards claim of any damages against the respondents, on account of any damage that may have been caused to the shop in question and other reliefs.

11. With the aforesaid directions, the present petition is disposed of.

MINI PUSHKARNA, J

MAY 1, 2024

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