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

+ **CONT.CAS(C) 644/2022 & CM APPL. 61777/2023**

PUSHPA THAKKAR

..... Petitioner

Through: Ms. Nandni Sahni, Mr. Sachin
Bandooni, Advs.

versus

REGISTRAR COOPERATIVE SOCIETY

..... Respondent

Through: Mr. Abhinav Singh, Advocate with
Ms. Swega Agarwal, Ms. Bhavi,
Advocates for R-1.
Mob. 9811188892
Email. abhinavsinghadv@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

10.01.2024

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1. The present contempt petition has been filed alleging willful disobedience of the directions contained in the order dated 12th August, 2010 passed by this Court in *W.P.(C) No. 5298/2010*. In terms of the said order, the respondent-society had been directed to hand over the possession of the flat in question to the petitioner within a period of seven days from the date of the aforesaid order.

2. In view thereof, by order dated 6th October, 2023, this Court had directed the Administrator, Mr. PK Khanna and SHO, Police Station, Paschim Vihar to ensure that the possession of the flat bearing no. 114,



Venus Co-operative CHCS, Paschim Vihar, New Delhi is handed over to the petitioner within a period of one week.

3. Today learned counsel appearing for the petitioner submits that in compliance of the order dated 6th October, 2023, the possession of the flat has already been handed over to the petitioner on 11th October, 2023.

4. Learned counsel for the petitioner further raises the issue with respect to the damages payable to the petitioner by the respondents on account of delay in handing over the flat to the petitioner.

5. This Court notes that vide order dated 12th August, 2010 in *W.P.(C) No. 5298/2010*, this Court has already granted liberty to the petitioner to pursue civil remedy for seeking damages against the respondent no. 2-society for the delay in handing over the flat in question to her.

6. Thus, the petitioner is at liberty to pursue appropriate civil remedy for the purposes of obtaining damages from the respondent no. 2-society.

7. Learned counsel for the petitioner further submits that the respondent no. 2-society has raised demand to the petitioner for payment of charges payable towards the society dues. However, she submits that the petitioner is not liable to make any payment towards any dues since the petitioner was not in possession of the flat in question before 11th October, 2023. Thus, she submits that the petitioner is liable to make payment to the society only after 11th October, 2023 when the possession of the flat was handed over to the petitioner. She disputes the payment of any amount qua which demand has been raised by the respondent no.2-society for the period prior to 11th October, 2023. However, this issue cannot be adjudicated in the present proceedings. The petitioner is at liberty to seek appropriate remedies in accordance with law with respect to the said issue.



8. However, in the meanwhile, it is directed that the respondent no. 2-society shall accept the monthly maintenance charges from the petitioner with effect from October, 2023, without prejudice to its rights and contentions.
9. It is further directed that the peaceful possession of the petitioner shall not be disturbed, except with due process of law.
10. This Court clarifies that it has not commented upon the merits of the controversy with respect to dues that may be payable by the petitioner to the respondent no. 2-society.
11. Learned counsel appearing for respondent no.1- Registrar of Co-operative Society ("RCS") submits that a special auditor for the society in question has been appointed by the RCS. She submits that the RCS shall make the calculations towards the dues payable by the petitioner and inform the same to the petitioner.
12. Needless to state that if the petitioner is aggrieved by any demands raised by the RCS or the respondent no.2-society, the petitioner is at liberty to seek appropriate legal remedies.
13. In view of the aforesaid, no further orders are required to be passed in the present contempt petition. The present contempt petition is accordingly disposed of.
14. The next date of hearing, i.e. 26th February, 2024 is cancelled.

MINI PUSHKARNA, J

JANUARY 10, 2024

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