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

+ **CONT.CAS(C) 917/2018**

AMIT JAIN

..... Petitioner

Through: Mr. Sachin Bandooni, Advocate
(M:9650156702)

versus

DEEPAK JAIN

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

07.05.2024

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1. The present petition has been listed on office note.
2. By order dated 22nd April, 2024, the present petition was disposed of in the following terms:

“1. Ms. Nandni Sahni, learned counsel appearing for the petitioner submits that the matter can be disposed of in terms of the order dated 20th January, 2020, passed by this Court.

2. She submits that pursuant to the aforesaid order, the two locks in the property in question, have been removed and two new locks have been put by the local police, i.e., SI Vipin Kumar.

3. It is further submitted that three sets of keys of the new locks are lying deposited with this Court. Thus, it is submitted that no further orders are required to be passed in the present petition for the time being.

4. Accordingly, in view of the aforesaid submissions, no further orders are required to be passed by this Court in the present petition.

5. However, it is directed that the issue with respect to issuance of keys of the new locks, shall be subject to the orders passed in the suit proceedings pending between the parties.

6. With the aforesaid directions, the present petition is disposed of.”



3. Learned counsel appearing for petitioner submits that in Para-3 of the aforesaid order, submission on behalf of the petitioner has been recorded that three sets of keys of the new locks are lying deposited with this Court.

4. Today, learned counsel for petitioner submits that the sets of keys of the new locks are not lying deposited with the Court, rather, the keys of the said premises are lying retained by the Inspector of Police Station-Kotwali. For this purpose he draws the attention of this Court to the order dated 05th October, 2021 passed in the present proceedings, which reads as under:

“The hearing has been conducted through hybrid mode (physical and virtual hearing).

CM APPL. 29172/2021 (By respondent seeking permission for repairing of flooring of first floor)

1. The respondent seeks to repair the flooring of the first floor as its disrepair is causing extensive seepage into the ground floor. Therefore, he seeks the keys of the locks put on the first floor through the police, as was directed earlier by this court.

2. The learned counsel for the non-applicant submits that the applicant has repeatedly breached this court's directions. Therefore, the locks may be reopened with the assistance of a police officer, who may put a lock again after sunset and reopen it in the morning.

3. The applicant seeks a week's time to complete the repairs. In the circumstances, let the Sub Inspector concerned from PS: Kotwali be handed over keys of the said property by the Registry; The premises would be re-opened in the presence of the applicant as well as a representative of the non-applicant.

4. Photographs as may be required shall be taken at the site and be filed, supported by an affidavit. The said police officer shall re-look the premises and put a seal thereon after one week from the date it is reopened and deposit the same. Locks will be put on the said premises at 5:00PM on the 7th day after it is opened.



5. Further compliance shall be carried out by the police officer in terms of this court's order dated 20.01.2020.

6. The keys of the said premises will be retained by the said inspector.

7. The application is disposed-off in terms of the above.”

5. It is directed that order dated 22nd April, 2024 shall record the submission of the learned counsel for petitioner that the keys of the premises in question will continue to be retained by the Inspector, Police Station-Kotwali, in terms of the order dated 05th October, 2021.

6. The order dated 22nd April, 2024 is modified in the aforesaid terms and the aforesaid clarification is accordingly given.

MINI PUSHKARNA, J

MAY 7, 2024

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