

Dr. Rohini Rao vs. HIMUDA

CWP No.516 of 2015 a/w CWP No.518 of 2015

11.01.2024 Present: Mr. Karan Singh Kanwar, Advocate, for the petitioner(s), in both the petitions.

Mr. C.N. Singh, Advocate, for the respondent(s), in both the petitions.

The application filed for early hearing of the petition (i.e. CMP No.788 of 2024) is allowed.

Learned counsel for the petitioner submits that as the petitioner has already made entire payment of the flat in issue to the respondent-Authority and now as the only the issue is with regard to watch and ward charges which are being demanded by the respondent-Authority, it will be in the interest of justice in case during the pendency of the petition, the respondent-Authority is directed to hand over the possession of the demised premises to the petitioner so that she can put the same to use otherwise the position thereof is not good. He further submits that this be done subject to final outcome of the petition.

Taking into consideration the fact that a

substantive part of the amount as is due to the Authority from the petitioner, already stands paid by the petitioner to the Authority during the pendency of the petition, it is directed that let possession of the flat be handed over to the petitioner. However, the same shall be subject to final outcome of the writ petition and in case any betterment of the property is undertaken by the petitioner then the same shall be at her own risk and peril and no equity shall be claimed by the petitioner.

List after four weeks.

(Ajay Mohan Goel)
Judge

January 11, 2024
(Rishi)