

CS NO. 37/18

Aswathi Shipping Services Pvt. Ltd.. Vs. Destination Cafe Pvt. Ltd.

31.08.2018

Present: Shri Mahesh Kumar Chaudhary and Ms. Sushmita Chaudhary, Id.
Counsel for the plaintiff.
Shri Prashant Bajaj, Id. Counsel for the defendant.

Plaintiff has already filed replication as well as reply to the Counter Claim.

As per written statement to the counter claim, receiving shows that defendant was supplied written statement on 02.07.2018 but till date rejoinder not filed. Right to file rejoinder to the reply to counter claim is hereby closed.

Application of defendant for placing Court fees on record is allowed. Same is taken on record.

It is submitted by both the parties that relation of landlord and tenant is admitted. Hence, both the parties requested that there are no such document requiring admission/denial. In the circumstances, the admission/denial is dispensed with.

Arguments heard on framing of issues. The following issues are hereby framed-

ISSUES-

1. Whether plaintiff is entitled to a decree of possession with respect to the suit property i.e. ground floor of premises bearing No.E-13/29. Harsha Bhawan, CP as shown in red in site plan? OPP.

2. Whether plaintiff is entitled to arrears of rent @ Rs.2,67,295/-from May, 2017 till January, 2018 and also subsequent rents? OPP.

3. Whether plaintiff is entitled to interest, if any, on the arrears of rent? OPP.

4. Whether plaintiff is entitled to the cost of the suit? OPP.

5. Relief.

Issues in the Counter Claim-

1. Whether defendant/Counter Claimant is entitled to set off monthly of rents for the period August, 2016 to July 2017 @ Rs.2,67,295/- and also the adjustment of a sum of Rs.19,07,412/- towards the amount to be payable to the plaintiff company? OPD.

2. Whether defendant/counter claimant is entitled to a decree of a sum of Rs.31 lacs along with interest @ 18% (as detailed in para (a) of counter claim) from the date of filing of counter claim till realisation? OPD.

3. Whether defendant is entitled to any cost in his favour? OPD.

4. Relief.

In the meantime, to explore the possibility of compromise, both the parties are directed to approach the Mediation Centre on 13.09.2018 at 2.00 PM.

Both the parties are directed to file list of witnesses on the next date of hearing.

Plaintiff to appear with affidavit of evidence on **12.11.2018**.

(TWINKLE WADHWA)
ADJ-03/PHC/NEW DELHI
31.08.2018

