

CS 1162/17

SHEETAL KHURANA Vs. MONICA MAHAJAN

07.03.2022

Present: Plaintiff in person with Ld counsel Sh. Himanshu Pathak.
Ms. Gourisha Aggarwal, Ld proxy counsel for the defendant.

Ld counsel for the plaintiff submits that the defendant is not complying the previous order dated 28.10.2021 and not even a single penny has been paid by the defendant and she is enjoying the possession of the property in question. Ld counsel for the plaintiff also submits that on 28.10.2021 the application u/s 15A CPC was disposed of by Ld Predecessor and the defendant was directed to pay the arrears of rent @ Rs. 25000/- per month w.e.f 02.07.2017 till the month of October 2021 within a period of 01 month and the defendant was also directed to continue depositing/paying the use and occupation charges @ Rs. 25000/- per month on 10th day of each succeeding English calender month, however, inadvertently it was mentioned in the order dated 28.10.2021 that the defendant shall pay the arrears of rent w.e.f 02.07.2017 till October 2020 and the aforesaid clerical error may be rectified.

Ld proxy counsel for the defendant who was present on 28.10.2021 when the aforesaid order was passed submits that the defendant is in financial problem and she could not comply the previous order dated 28.10.2021 and that the defendant shall make the payment of arrears of rent within 01month from today.

Perusal of the record reveals that vide order dated 28.10.2021 the application u/s 15A CPC moved on behalf of the plaintiff was disposed of and the defendant was directed to clear the arrears of rent w.e.f 02.07.2017 i.e the

Contd.....2

alleged date of default of payment of rent and the defendant was also directed to continue to deposit/pay the use and occupation charges at the same rate for the succeeding months. Hence, the clerical mistake in the order dated 28.10.2021 stands rectified and the aforesaid order is modified to the extent that the word “October 2020” shall be read as “October 2021” in the aforesaid order dated 28.10.2021.

At this stage, another application u/O 12 rule 6 CPC has been moved on behalf of the plaintiff.

Copy thereof has been supplied to Ld proxy counsel for defendant who seeks time to file the reply thereto.

The defendant is directed to immediately comply the order dated 28.10.2021 and matter be listed for reply and arguments on the abovesaid application u/O 12 Rule 6 CPC for **06.04.2022** and the defendant is directed to appear in person on the NDOH to explain as to why the order dated 28.10.2021 has not been complied.

(Manish Khurana)
Additional District Judge-03
Patiala House Courts, New Delhi
07.03.2022