

CS no. 11167/16

Kamal Arora VS. R.K. Bhutani and Ors.

19.01.2019.

Present: Plaintiff no. 1 and 3 in person with counsel Sh. Bhavya Sethi
alongwith Sh. Akul Mahendru

Counsel for defendant no. 1

None for remaining defendants

As per report of Ahlmad, no amount has been deposited by
the defendant no.1 in compliance of order dated 06.12.2018.

Ld. Counsel for defendant no.1 has submitted that he has no
instructions in this regard. Further, he has submitted that inadvertently the
order was not in the knowledge of the party / counsel and sought one week's
time for compliance. **Compliance be done within a week alongwith
application seeking condonation which shall be considered on merits.**
Cost of Rs.5,000/- i.e. Rs.2,500/- to be paid to the opposite side and
Rs.2,500/- to be deposited in DLSA is imposed upon the defendant no. 1 for
non compliance of directions on account of which, no effective proceedings
can be carried out.

It is further pertinent that equity demands that the written
statement of the defendant should be considered for the purposes of
adjudication of application under Order XII Rule 6 CPC only if defendant
no. 1 complies with the directions regarding deposit of arrears of rent /
monthly future rents.

Hence, now matter be listed for payment of costs, cost receipt,
compliance report and orders on application under Order XII Rule 6 CPC
on **27.02.2019. No shorter date is possible due to heavy board.**

(Surya Malik Grover)
ADJ-1(South East) Saket Court
New Delhi/19.01.2019(ds)