

Civ DJ 399/20

M/S AHAAN INFRASTRUCTURE PRIVATE LIMITED Vs. M/S
FLYING HOSPITALITY AND ORS.

16.09.2025

Present: Ms. Anshika Juneja, Id proxy counsel for plaintiff (VC).

Sh. Navjot Singh, Id proxy counsel for defendant.

In this matter, arguments were heard on application under Order 12 Rule 6 CPC moved on behalf of plaintiff.

Brief facts of the case necessary for disposal of the present application are that as per the case of plaintiff, plaintiff is Private Limited Company and defendant no.1 is a Limited Liability Partnership Firm and defendant no.2 & 3 are the partners of the same. It is submitted that defendant no.1 through its representative approached the plaintiff to take on lease the property i.e. first floor of F-84, Industrial Pocket, District Centre, Rajouri Garden, New Delhi (hereinafter referred as 'demised premises') and after negotiation, a registered Lease Agreement dated 16.10.2015 was signed between the parties. It is submitted that the agreed monthly rent of demised premises was Rs.2,70,000/- alongwith applicable taxes. It is submitted that since June 2017, defendants were not making the timely payment of monthly rent and maintenance charges. It is submitted that by the end of February 2020, defendants vacated the the demised premises, however, have not paid the outstanding amount of Rs.1,24,60,649/-. Feeling aggrieved, present suit has been filed for recovery of said amount on account of rent and maintenance charges alongwith *pendentelite* and future interest.

In the present application, it is submitted on behalf of plaintiff that in his written statement, defendants have admitted the Lease Agreement dated 16.10.2015. It is submitted that defendant have relied upon one MOM dated 28.11.2019 and in said MOM defendants have admitted the amount of Rs.75,41,074/. In the present application, prayer has been made to pass preliminary decree under Order 12 Rule 6 CPC *qua* the amount of Rs.75,41,074/- alongwith interest @ 18% per annum. This Court is of the considered view that perusal of record shows that relevant para for deciding the present application is para no.5 of the preliminary objections of written statement. In said para, defendants have admitted only the amount of Rs.17,31,074/- which is further admitted in para no.7 of the reply on merits of written statement. In view of same, preliminary decree of the amount of Rs.17,31,074/- is passed in favour of plaintiff and against the defendants. Decree sheet be drawn accordingly.

Matter be put up for further proceedings *qua* the remaining amount. Be put up for replication, admission-denial of documents on **18.11.2025**.

(Dharmender Singh)
District Judge-01 (West), THC,
Delhi/16.09.2025