

CIV DJ 303/2024
Surinder Singh Vs.
Amit

31.07.2025

Present: Ms. Suchi Sood, Ld. Co-counsel for plaintiff.
Defendant with Ld. Counsel Ms. Disha Pashi.

Printout of first page of statement related to bank account of defendant having account no.39968665901 with SBI, is filed on behalf of defendant in compliance of previous directions. Ld. Co-counsel for plaintiff is permitted to click photo of the same.

On inquiry, the defendant has stated that although he is planning to shift from the suit property, however, he is yet to find a suitable tenanted premises.

Ld. Co-counsel for the plaintiff has pressed pending application u/o XXXIX Rule 10 CPC.

Arguments heard. Record perused.

Mainly it is contended that the tenancy period had expired on 30.09.2023, that as per terms of the lease agreement, after expiry of the tenancy the defendant was liable to pay occupation charges @ Rs.2000/- per day and that after expiry of the tenancy, up to February 2024 the defendant had paid an amount of Rs.1,61,000/- in bits and peaces as part payment. An amount of Rs.2,05,000/- up to 31.03.2024 and thereafter, @ Rs.2000/- per day till vacation of the suit property by him, have been asked from the defendant towards occupation charges.

On behalf of the defendant mainly it is contended that the aforesaid amount of Rs.1,61,000/- paid by the defendant to the plaintiff was advance charges till June 2024.

In rebuttal, the aforesaid contention has been refuted

Contd..2/-

by Ld. Co-counsel for the plaintiff by stating that up to February 2024 the defendant had been depositing the occupation charges in the bank account of the plaintiff maintained with IndusInd Bank and that the last paid charges were @ Rs.32,200/- per month. In this regard statement pertaining to aforesaid bank account of the plaintiff is filed.

From the statement of account, the aforementioned contention made on behalf of the plaintiff stands corroborated whereas the claim of the defendant that he has already paid advance charges up to June 2024, does not found any support. Although the plaintiff has claimed charges @ Rs.2000/- per day however, by way of interim relief the same cannot be granted at that rate.

In view of above discussion, the plaintiff is found entitled to receive mesne profits/ occupation charges from March 2024 and onwards at the rate of Rs.32,200/- per month. Hence, it is hereby directed that the defendant shall pay an amount of Rs.5,47,400/- towards mesne profits/ occupation charges, from March 2024 to July 2025 i.e. up to on going month (for a total period of 17 months @ Rs.32,200/- per month), to the plaintiff within 30 days from today and to continue to pay the mesne profits/ occupation charges to him in future @ Rs.32,200/- per month by 1st day of every succeeding month e.g. mesne profits/ occupation charges of August 2025 is payable by 1st September 2025, till handing over possession of the suit property to the plaintiff. The application stands disposed off in above terms.

Put up for consideration/ F.P. on 18.09.2025.

(GOPAL SINGH CHAUHAN)
DJ-03, WEST/DELHI
31.07.2025