

Civ DJ 614/2022
Jagdip Singh Bedi & Anr.
Vs. Kshitij Gupta

07.10.2024

Present: Sh. Pankaj Sharma, Ld. Counsel for plaintiffs with
P-2.

Sh. Anil Kumar Maurya, Ld. Counsel for defendant.

After LDOH, an application u/o VII Rule 14 CPC for placing on record additional documents along with copies of certain documents, was filed on behalf of defendant through e-filing and its hard copy was also furnished. Copy supplied to opposite side. Reply, if any, be filed by NDOH with advance copy to opposite side.

Since the aforesaid application has been filed on behalf of the defendant, the appropriate provision is u/o VIII Rule 1A (3) CPC. The application be treated under that provision.

Ld. Counsel for plaintiffs has pressed the pending application u/o 15-A CPC.

Mainly it is contended that the defendant had paid rent in respect of the suit property to the plaintiffs only upto June 2021 @ Rs.60,000/- per month and that since July 2021, he is in arrears of rent.

In the written statement inter-alia the defendant has averred that after execution of the purported agreement to sell dated 06.09.2021, he has not paid rent to the plaintiffs. It has come on record that the defendant has been paying rent to the plaintiffs through bank transfer and for the payment of rent for months of July and August 2021, he has not placed on record any proof. It is worthwhile to mention here that earlier vide judgment

dated 02.08.2024, as per provision u/o XII Rule 6 CPC, possession of the suit property was directed to be handed over to the plaintiffs after rejecting defence of the defendant that after execution of the purported agreement to sell, his possession in the suit property was in the capacity of a vendee/ purchaser.

In view of above discussion, prima facie it is evident that the defendant has not paid the rent to the plaintiffs from July 2021 onwards. Therefore, it is hereby directed that the defendant shall deposit the arrears of rent/ occupational charges to the plaintiffs for the period from July 2021 to September 2024 @ Rs.60,000/- per month in the Court and to continue to deposit future rent/ occupational charges at the same rate i.e. Rs.60,000/- per month by 07th day of every month, succeeding the month for which it shall become due e.g. future rent/ occupational charges for the month of October 2024 shall be deposited by 7th November 2024. The defendant is directed to deposit the aforementioned arrears of rent within one month from today.

The application u/o 15-A CPC stands disposed off accordingly.

Put up for arguments on the afore-mentioned application of the defendant on 19.12.2024.

(GOPAL SINGH CHAUHAN)
DJ-03, WEST/DELHI
07.10.2024