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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 1900/2015

MANIKA MADAN

..... Plaintiff

Through: Ms. Payal Jain, Advocate

versus

MAMTA NAGPAL & ANR

..... Defendants

Through: Mr. Vikram Singh, Advocate for D-1
Lt. Col. Barune Madan, D-2 in person

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

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ORDER

18.04.2017

I.A. 32/2017 (by defendant No.1 u/s 151 CPC)

Learned counsel appearing on behalf of the applicant/defendant No.1 seeks leave to withdraw this application with liberty to file an appropriate application, in accordance with law, containing further and better particulars.

Leave and liberty granted.

The application is dismissed as withdrawn and disposed of accordingly.

I.A. 33/2017 (by defendant No.1 u/s 151 CPC)

The present application under Section 151 of the Code of Civil Procedure, 1908, filed on behalf of the applicant/defendant No.1, prays as follows:-

“In view of above said facts and circumstances, it is humbly and graciously prayed that:

- (A) The plaintiff and defendant 2 may please be instructed to contribute towards payment of outstanding dues as per their respective shares in regard to municipal taxes (house tax) for the suit property or alternatively;
- (B) The applicant herein (defendant 1 in main suit) may be granted liberty to keep the rent of



- Rs.20,000 per month to herself till she realizes and recovers the payment made by her towards the outstanding taxes of MCD of all 3 suit properties;
- (C) The rent so deposited in this Hon'ble Court may please be put up in a FDR to reduce the impact of inflation;
- (D) Any other or further order(s) may also be passed by this Hon'ble Court which deems fit in the circumstances with all reasonable conditions in the interest of justice.”

After hearing learned counsel appearing on behalf of the applicant/defendant No.1 as well as counsel for the plaintiff and defendant No.2, who appears in person, the following consent order is passed:-

- a) The defendant No.1 undertakes to deposit the rent at the rate of Rs.20,000/- per month , already realized and to be realized by her, from the tenant in one of the subject properties situated at 3rd Floor, out of 1/2 undivided share of Cottage Property No.6, West Patel Nagar, New Delhi-110008 (in possession of defendant no.1) along with arrears from 06.12.2016, in the first instance and every succeeding month thereafter, before this Court within a period of four weeks from today.
- b) The plaintiff as well as defendants 1 and 2 do not object to the disbursement of the amount of Municipal Taxes (House Tax), past, present and future, in relation to the suit property from the rents to be deposited before this Court by defendant No.1 as well as the amounts credited to the account of Madan Printers, in relation to the other two suit properties, namely,
- (i) A-38/1, Mayapuri, Phase-I, New Delhi-110064 (in possession of defendant No.2) and BE-274, 3rd Floor, Hari Nagar, New Delhi-110064 (in possession of defendant No.2).



The above arrangement shall remain in force till the disposal of the present suit.

With the above consent order, this application is disposed of.

C.S. 1900/2015, I.A.13243/2015 & I.A. 11956/2016

List before the Joint Registrar on 31.05.2017 for completion of pleadings and submission of statements of admission/denial of documents.

List before this Court for framing of issues on 12.10.2017.

The parties shall exchange their respective issues proposed to be framed one week before the next date of hearing and produce the same in Court.

APRIL 18, 2017
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SIDDHARTH MRIDUL, J