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

+ **RFA 87/2024**

SMT. SIMRAN GUJRAL

..... Appellant

Through: Ms. Malvika Trivedi, Senior Advocate with Mr. Dhan Mohan, Ms. Tanu Mishra, Mr. Ravi Mishra, Ms. Tanisha Bhatia, Mr. Ratnesh Kumar with Appellant in person

versus

MS. TOSHALI MITHAL

..... Respondent

Through: Mr. Milan Verma and Mr. Aman Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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17.05.2024

CM APPL. No. 6633/2024(Stay)

1. The present application under Order XLI Rule 5 read with section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of the appellant seeking stay of the operation of the impugned judgment and decree dated 20th October, 2023 passed by ADJ-11, Central District, Tis Hazari Courts, Delhi in Civil Suit bearing CS DJ No. 142/2019 titled ***Ms. Toshali Mithal v. Simran Gujral.***

2. Ms. Malvika Trivedi, learned senior counsel appearing on behalf of the appellant, submitted that the impugned judgment suffers from manifest error of law which has resulted in flagrant miscarriage of justice.



3. It is further submitted that the respondent has already filed an execution petition before the executing court and if the impugned order is not kept in abeyance, irreparable damages would be caused to the appellant.

4. *Per contra*, the learned counsel for the respondent/non-applicant has vehemently opposed the present application and submitted to the effect that no case is made out for granting stay on the impugned judgment and decree. It is further submitted that there is no error or illegality in the impugned judgment/decree. It is submitted that the applicant/appellant has not paid the arrears of rent and monthly rent of the suit premises.

5. In view of the aforesaid submissions, it is submitted that the instant application being devoid of any merit is liable to be dismissed.

6. At this juncture, learned senior counsel appearing on behalf of the appellant, on instructions, with *bona fide* intent, undertakes to deposit the charges *qua* the suit property from today onwards and arrears w.e.f. 20th October, 2023 till date amounting to Rs.2,10,000/- shall also be paid to the non-applicant within four weeks. It is further undertaken that charges of the suit property shall be paid every month i.e. before 7th day of every English Calendar month.

7. Heard both the sides in detail and after perusing the contents made in the instant application as well as the submissions made and also keeping in mind that the matter is kept for further consideration, I am inclined to grant the interim relief at this stage.

8. Accordingly, subject to deposition of Rs.5,00,000/- by the appellant with the Registrar General of this Court within a period of four weeks and the payment of charges *qua* the suit property from today, as undertaken by the learned senior counsel appearing on behalf of the appellant, on or before



7th day of every English Calendar month, there shall be stay of the operation of the impugned judgment and decree till the next date of hearing. The amount so deposited with the Registrar General, shall be invested in an interest bearing FDR in an auto renewal mode.

9. List on 4th September, 2024, i.e., the date already fixed.

CHANDRA DHARI SINGH, J

MAY 17, 2024

rk/sv/db

Click here to check corrigendum, if any