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

+ **CS(COMM) 109/2020 and I.A. 29962/2024**

SHRI NARESH KUMAR

..... Plaintiff

Through: Mr. Bharat Bhushan Gupta and Mr.
Gaurav Singh Advocates (M:
9711925013).

versus

SHRI KRISHAN CHAUHAN

..... Defendant

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **21.05.2024**

1. This hearing has been done through hybrid mode.

I.A. 29962/2024 (for permission)

2. The present application is filed on behalf of the Plaintiff- Mr. Naresh Kumar seeking to withdraw the rent deposited by the Defendant (tenant) in the Registry of this Court as per order dated 1st April, 2022 in **CS (COMM.) 109/2020**

3. On 28th March, 2024 this Court directed the Registry to credit the entire rental amount, which has been deposited by the Defendant with the worthy Registrar General, to the Plaintiff's bank account. The relevant portion of the order dated 28th March, 2024 is extracted hereinunder:

“6. In view thereof, the undertaking having been accepted, the Registry is directed to credit the entire rental amount which has been deposited by the Defendant with the Registrar General to the Plaintiff along with interest which has been accrued thereon



(minus TDS on the interest component). The same shall be credited directly into the bank account of the Plaintiff subject to the condition that if the Court directs refund, the same shall be refunded by the Plaintiff. Details of the bank account of the Plaintiff be furnished to the Registry.”

4. Ld. Counsel for the Plaintiff has moved this application after being completely frustrated with the manner in which the Registry is refusing to release the rental amount deposited by the Defendant in favour of the Plaintiff.
5. Ld. Counsel for the Plaintiff submits that the Ld. Counsel and his client have been visiting the Registry on several occasions for compliance of the order dated 28th March, 2024. However, only some amount has been released to the Plaintiff and the amounts deposited after 28th March, 2024 are not being released by the Registry. Hence, this application has been filed.
6. The order of the Court dated 28th March, 2024 is clear to the effect that **the entire rental amount** is to be released. The Plaintiff need not repeatedly file applications in this Court seeking compliance of the Court's orders by the Registry. The undertaking which has been filed by the Plaintiff shall apply qua all the rental amounts which have been deposited in this Court.
7. The amounts shall now be released within a period of one week - failing which, the concerned official with Registry shall be ready to give a personal explanation in this matter.
8. Application is disposed of.



CS(COMM)-109/2020

9. List before the Joint Registrar on 25th July, 2024, *i.e.* the date already fixed.
10. List before the Court on 7th August, 2024, *i.e.* the date already fixed.

PRATHIBA M. SINGH, J.

MAY 21, 2024
mr/rks