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

+ **CS(OS) 267/2019**

VANDANA SHARMA

..... Plaintiff

Through: Mr. Sanjeev Goyal, Advocate.

versus

AMAN MALLICK

..... Defendant

Through: Mr. Arvind Kumar Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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08.08.2019

I.A. 10841/2019 (application on behalf of Defendant U/s 151 CPC for urgent directions and modification of order dated 22.7.2019)

1. By way of this application, the Defendant seeks modification of the order dated 22nd July 2019. Learned counsel for the Defendant submits that subsequent to the aforesaid order, the tenants, Mr. Ajay Kanwar and Ms. Meenu Pathania have not vacated the first floor of the suit premises. It is further stated that the rent for the months of June, July and August has not been received. Learned counsel for the Defendant submits that instead of depositing the entire rent amount in the Court, without prejudice to the rights and contentions of the parties, it may be ordered that the 50 percent of the rent be retained by the Defendant and 50 percent be paid to the Plaintiff. Learned counsel for the Plaintiff has no objection to the aforesaid request. Accordingly, the order dated 22nd July 2019 is modified to the extent that the Defendant shall pay 50 percent of the entire rent/use and occupation charges

received from the tenant to the Plaintiff and retain the balance. The above arrangement shall be implemented from May 2019 onwards. Defendant shall now pay to the Plaintiff the 50% of the rent for the month of May 2019 that he has already received and comply with the above directions in future, as and when payment is received from the tenants

2. Since the tenant has not vacated the suit premises, the parties will be at liberty to take appropriate remedy in accordance in that regard. Needless to say, the apportionment of the rent is without prejudice to the rights of the Defendant and shall be subject to final adjudication of the matter.

3. With the above clarification, the application is disposed of.

SANJEEV NARULA, J

AUGUST 08, 2019

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