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

+ **CS(OS) 392/2019**

JYOTI GUPTA

..... Plaintiff

Through: **Mr. Rohit Rattu, Advocate.**

versus

VEENETA & ANR.

..... Defendants

Through: **Mr. Praveen Suri, Advocate for LR's of D-1.**

Mr. Gurjeet Singh Sodhi, Advocate.

Mr. Anish Shrestha, Advocate for D-2 (ii).

Mr. Prashant Katara & Mr. Shivam Gupta, Advocates for applicant in I.A. 5081/2024.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **24.04.2024**

I.A. 8983/2024 (u/S 151 of CPC, 1908)

1. By way of present application, the applicant/Shashi Dhar Singh seeks preponement of the date of hearing of I.A. 8514/2024.

2. For the reasons and grounds stated in the present application, the application is allowed.

3. Accordingly, the application is disposed of.

I.A. 8514/2024 (u/S 151 of CPC, 1908)

4. By way of present application, the applicant/Shashi Dhar Singh seeks permission to hand over the vacant and peaceful possession of the Suit Property being First Floor of Property No. 1601, Outram Lines, Kingsway Camp, Delhi.



5. It is submitted in the application that the applicant/Shashi Dhar Singh was a tenant in the aforementioned suit property and he has vacated the same. Since there is some dispute *inter se* the parties, the applicant/Shashi Dhar Singh seeks permission to deposit the keys of the aforesaid suit property with the Registry of this Court.

6. The present application has been opposed on behalf of the legal heirs of the defendant No. 1 who have not been allowed to be substituted and they have preferred an Appeal before the Division Bench of this Court on the ground that there is an interim application filed on behalf of the applicant/Shashi Dhar Singh in the Suit for Recovery of Possession which was decided in favour of defendant No.1 herein and the applicant/ tenant was directed to pay the arrears of rent which he has failed to deposit.

7. The only objection taken on behalf of the legal heirs of the defendant No. 1 is that the keys of the aforesaid suit property cannot be permitted to be submitted in the Court since the tenant is in arrears of rent and he is not depositing the same. In order to harass the legal heirs of the defendant No. 1, the applicant/Shashi Dhar Singh is seeking permission to submit the keys with the Registry of this Court.

8. **Submissions heard.**

9. The applicant/Shashi Dhar Singh who was the tenant in the aforesaid suit property, intends to surrender the possession of the same and that he has vacated the said suit property but due to the *inter se* dispute, he is seeking permission to deposit the keys in the Court.

10. In view of above, the present application is allowed. The applicant/Shashi Dhar Singh is permitted to deposit the keys of the aforesaid suit property with the Registry of this Court within three days.



11. Insofar as the concern of the legal heirs of the defendant No. 1 in regard to the arrears of rent is concerned, they are at liberty to take appropriate measure or to pursue it in whatsoever pending litigation, for recovery of arrears of rent.

12. Accordingly, the present application is disposed of.

NEENA BANSAL KRISHNA, J

APRIL 24, 2024

S.Sharma