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

+ **CS(COMM) 549/2021**

VINAY KUMAR DATT

..... Plaintiff

Through: Mr. Sandeep Bajaj, Mr. Soyib Qureshi, Ms. Dilsheen Kaur & Ms. G. Bijaharini, Advocates.

versus

SHRI SUDHIR SACHDEVA & ORS.

..... Defendants

Through: Mr. Hemant Chaudhari & Mr. Shaurya Pushpam, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **12.10.2022**

I.A. 16520/2022 (U/O XXXIX Rule 10 r/w Section 151 of CPC, 1908)

1. The present application under Order XXXIX Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (*hereinafter referred as "CPC, 1908"*) has been filed on behalf of the plaintiff seeking direction to the defendants to deposit rent, including arrears towards rent for use and occupation of the premises and other unpaid charges.

2. Issue notice.

3. Learned counsel on behalf of the defendants accepts notice.

4. Learned counsel on behalf of the defendants submits that a similar application bearing No. I.A. 2683/2022 under Order XXXIX Rule 10 read with Section 151 of CPC, 1908 has already been filed by the plaintiff and further submits that the previous application i.e., I.A. 2683/2022 under Order XXXIX Rule 10 read with Section 151 of CPC, 1908 needs to be



withdrawn. However, the defendants may continue to deposit rent in terms of the Order dated 21st September, 2022 under the present application till its disposal.

5. Accordingly, the defendants are directed to continue the deposit the rent in terms of the Order dated 21st September, 2022, while I.A. No 2688/2022 is permitted to be withdrawn and is accordingly disposed of.

6. Let reply, if any, be filed within two weeks with the copy to opposite counsel.

7. List before the Joint Registrar on 02nd November, 2022, the date already fixed.

NEENA BANSAL KRISHNA, J

OCTOBER 12, 2022

S.Sharma