

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

RFA 842/2019 & CM APPL Nos.42167-68/2019

SNEH SOOD & ORS

..... Appellants

Through : Mr.Rajesh Bhatia, Mr.Tanmay Mehta
and Mr.Hemant Kakkar, Advocates
with A-2 in person

versus

MOHAN SINGH SUD

..... Respondent

Through : Mr.Vinay Gupta, Mr.Vinay Gautam
and Mr.Ram Manohar Singh,
Advocates with the attorney

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

%

30.09.2019

Today learned counsel for the respondent has appeared and he argues the original documents of the subject property are still lying with the respondent. He has also taken me through the pleadings to show the appellant came to know about the registration of the property in the name of the respondent in March, 2006 yet be kept quite till the suit was filed by the respondent herein qua such registration in the name of respondent. He has also shown me a copy of registered Will dated 16.12.2005 executed by the respondent, proved as Ex.PW1/34, and bear the signatures of the appellant herein as an attesting witness and it also goes on to show the appellants were very much aware of the property being purchased by the respondent. The learned counsel has also referred to the statement of Mr.Varun

Yadav, the vendor of the subject property who had rather deposed he had sold the property to the respondent herein.

A legal notice and a corrigendum was issued in the year 2005 prior to filing of the suit asking the appellant to vacate the premises which was never replied. It was only after filing of this suit for possession, the appellant had filed a suit for cancellation of the sale deed. An effort to consolidate both the suits was rejected by the High Court vide order dated 6th April, 2018.

In the circumstances, let learned Trial court record be requisitioned prior to the next date of hearing and in the meanwhile the appellant to pay to the respondent an amount of Rs.30,000/- per month as user charges w.e.f. 1st September, 2019 till the disposal of the appeal, on or before 7th of each calendar month, the water and electricity charges to be paid as per actuals. As an interim measure and without prejudice to the rights of either of the parties, let an amount of Rs.16,64,008/-, calculated per chart given below be also paid.

No.	From	To	Rate	Total
1	01.03.2010	28.02.2011	9500	114000
2	01.03.2011	28.02.2012	10450	125400
3	01.03.2012	28.02.2013	11495	137940
4	01.03.2013	28.02.2014	12644	151734
5	01.03.2014	28.02.2015	13908	166900
6	01.03.2015	28.02.2016	15298	183585
7	01.03.2016	28.02.2017	16827	201933
8	01.03.2017	28.02.2018	18509	222116
9	01.03.2018	28.02.2019	20000	240000
10	01.03.2019	30.08.2019	20000	120000
	Total			1664008

Out of the arrears of Rs.16,64,008/- an amount of Rs.10 lakh be paid to the respondent within four weeks from today and the balance be paid within eight weeks thereafter.

List on 12th February, 2020.

YOGESH KHANNA, J.

SEPTEMBER 30, 2019

VL