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

+ **RFA 408/2024 & CM Appl.37356/2024**

SARDAR NARINDER SINGH GUJRAL

.....Appellant

Through: Ms. Mansi Pratap Singh, Mr. Sumeet
Kaul and Mr. Himanshu Singhal,
Advs.

versus

RAKESH KUMAR LAL AND ORS

.....Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **08.07.2024**

CM Appl.37357/2024[Exemption]

1. Allowed, subject to the Appellant filing typed copies of the annexures within a period of four weeks.

2. The Application stands disposed of.

RFA 408/2024 & CM Appl.37356/2024[Stay]

3. The present Appeal impugns judgment dated 28.03.2024 passed by the learned ADJ-02, South-East, District Courts, Saket, New Delhi. By the impugned judgment, the learned Trial Court has partly decreed the suit for the Respondents in a sum of Rs.2,05,000/-.

4. It is the case of the Appellant that the suit property was taken on rent from him and was vacated by the Respondent No.1/tenant on 14.12.2012 by handing over the keys of the suit property to a guard, without any prior intimation to the Appellant.

4.1 It is further contended that the Trial Court had passed a decree



deducting two months rent which was due to the Appellant in the sum of Rs.85,000/- per month, and after adjusting the payments of Rs.1,70,000/- from the admitted security amount of Rs.3,75,000/-, held that the Appellant is entitled to recover a sum of Rs.2,05,000/- from the Respondent No.1/tenant.

5. Learned Counsel for the Appellant submits that the suit property was not handed over to the Appellant in the same condition, as it was, at the time it was occupied by the Respondent No.1/tenant and that substantial damage has been caused to the property by the Respondent No.1/tenant including broken tiles in kitchen, a damaged geyser and broken marble slab in bathroom. Thus, there were major repairs and replacements required to be done on account of the misuse of the suit property by the Respondent No.1/tenant.

5.1 Learned Counsel for the Appellant seeks to rely upon the reply of the legal notice dated 26.04.2013 sent by him [which is exhibited as Ex.D/PW-1/X (colly)] wherein it is stated that there were repairs and replacements to the tune of Rs.4,10,000/- which were carried out in the suit property after it was vacated by the Respondent No.1/tenant to keep it in a habitable condition.

5.2 Learned Counsel for the Appellant contends that these payments are due from the Respondent No.1/tenant. He, however, has not placed on record any documents in relation to the repairs/renovations which were carried out in the suit property.

6. Learned Counsel for the Appellant also seeks to rely upon a finding in his favour in paragraph 25 of the impugned judgment to submit that, the Trial Court found that there were some manipulation in the documents filed



by the Respondents and, therefore, relief should not have been granted to them.

7. After some arguments, learned Counsel for the Appellant seeks and is granted time to file and place on record judgments in support of his contentions.

8. List on 20.08.2024.

JULY 8, 2024/r

TARA VITASTA GANJU, J

Click here to check corrigendum, if any