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

+ RFA 41/2024, CM APPL. 2924/2024 (stay), CM APPL. 2925/2024
(delay), CM APPL. 2926/2024 (for additional documents)

GAGANDEEP SINGHAppellant

Through: Mr. Pritish Sabharwal, Advocate.
versus

S. SANDEEP SINGH SEHGALRespondent

Through: Mr. Arpit Sharma and Mr. Aman
Bhardwaj, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **30.01.2026**

CM APPL. 76170/2025 (for release of amount)

1. Application under Section 151 of the Code of Civil Procedure, 1908, has been filed on behalf of the Respondent for release of amount of Rs.6,69,000/- along with the interest that has accrued upon the amount as deposited by the Appellant in terms of the Order dated 26.04.2023.
2. It is submitted that the Suit of the Respondent for Possession and Damages, was decreed *vide* Judgment dated 26.04.2023 and the decree for Recovery of Rs.2,84,900/- along with the interest @9% p.a. from the date of institution till the realisation, towards the arrears of rent from 01.12.2021 to 28.02.2022 was granted. Further, a sum of Rs.6,08,006.66 together with interest @9% p.a. besides cost of Rs.38,887/- has been decreed against the Appellant. The operation of the Judgment was stayed *vide* Order dated 22.04.2024 subject to deposit of 75% of the decretal amount. The Appellant



has deposited Rs.6,69,000/- by way of FDR dated 01.05.2024 in this Court. The prayer is made that this amount deposited by the Appellant, be released to the Respondent.

3. Learned counsel for the Respondent explains that this amount is towards the arrears of rent and user occupation charges, till the possession was handed over to the Respondent on 16.11.2022.

4. The Application is opposed by the learned counsel for the Appellant on the ground that since the premises was not in use from March till November, 2022, the Appellant is not liable to pay the user occupation charges.

5. Admittedly, the possession has been given on 16.11.2022 and till then, the premises were in possession of the Appellant available to him for use and occupation.

6. Considering that the amount is towards the arrears of rent/user occupation charges, the amount of Rs.6,69,000/- along with upto date interest be released to the Respondent, subject to his furnishing an indemnity bond before the learned Joint Registrar.

7. The Application is allowed and disposed of accordingly.

RFA 41/2024

8. Be listed for arguments on 27.04.2026.

9. Learned counsel for the Respondent undertakes not to pursue the execution till the next date of hearing i.e. 27.04.2026.

NEENA BANSAL KRISHNA, J

JANUARY 30, 2026/RS