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

+ **FAO 218/2022**

PARVEZ LAIQ

..... Appellant

Through: Mr. Vikas Tiwari, Advocate (through
VC) Mr. Vidit Agarwal, Advocate

versus

NAJMUS SAHAR

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **24.08.2022**

CM APPL. 36767/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

FAO 218/2022, CM APPL. 36765/2022 (delay) and CM APPL. 36766/2022 (stay)

1. By way of the present appeal filed under Section 104 read with Order XLIII Rule 1(r) CPC, the appellant/defendant has assailed the order dated 07.05.2022 passed by the learned Additional District Judge-02 (East) Karkardooma Courts, Delhi in CS No. 125/2021.
2. Learned counsel for the appellant submits that while passing the impugned order, the Trial Court failed to appreciate that though the appellant was initially inducted as tenant in the said property by the respondent, later on, it was the appellant's wife/*Nagma Abbassi* who was



inducted as a tenant vide Rent Agreement dated 22.02.2013 executed between the respondent and the appellant's wife. It is contended that the appellant no longer being tenant since the execution of the aforesaid Agreement is not liable to pay the arrears of rent/occupation charges as directed vide the impugned order.

3. Issue notice to the respondent, by all permissible modes, returnable on 13.01.2023.
4. Till the next date of hearing, the operation of the impugned order shall remain stayed.

MANOJ KUMAR OHRI, J

AUGUST 24, 2022

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[Click here to check corrigendum, if any](#)