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

+ **RFA(COMM) 179/2024 & CM 28095/2024, CM 28097/2024**

SIKKA LOCOMOTIVE PVT. LTD. APPELLANT

Through: Mr Rishi K. Awasthi, Mr Rahul Raj
Mishra, Mr Piyush and Mr Rahul
Kumar Gupta, Advocates.

versus

M/S. SOLOMAN ENGINEERS PVT. LTD. RESPONDENT

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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10.05.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 28096/2024

1. Allowed, subject to just exceptions.

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2. This appeal is directed against the judgment and decree dated 27.07.2023 passed by the trial court in exercise of its powers under Order XII Rule 6 of the Code of Civil Procedure, 1908.

3. The record shows that the trial court has passed a decree whereby, the rent concerning the suit premises has been fixed @ Rs.4,86,750/- per month.

4. As per the decree, the said rent is payable by the appellant/ defendant from the date of filing of the suit till 18.11.2022.

4.1. Besides this, the appellant/ defendant is also directed to pay simple interest @ 12% per annum, commencing from the date when rent fell due in each month till its recovery.

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5. The trial court has also directed that the amount deposited by the appellant/ defendant towards security would be adjusted against the decretal amount.

6. The moot question which arises for consideration, concerns ascertaining the date when the appellant/ defendant handed over the possession of the suit premises.

7. According to the appellant, the possession of the suit premises was handed over on 31.07.2019.

8. The impugned judgment suggests that the possession of the suit premises was handed-over pursuant to the order passed by the trial court on 18.11.2022.

8.1 It is noted that the appellant/ defendant has not placed on record the order dated 18.11.2022 passed by the trial court.

9. Issue notice to the respondent *via* all permissible modes, including email.

10. Accordingly, at the request of the counsel for the appellant/ defendant, list the matter on 06.09.2024.

11. Meanwhile, the Registry will summon the trial court record and place the same before the Court, *albeit* in digitized form, prior to the next date of hearing.

RAJIV SHAKDHER, J

AMIT BANSAL, J

MAY 10, 2024

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

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