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

+ **CS(OS) 295/2018**

RAKESH KUMAR & ANR Plaintiffs

Through: **Mr.Bharat Gupta & Ms.Shreya
Rao, Advocates**

versus

BANK OF MAHARASHTRA Defendant

Through: **Mr.Sajan Suri, Mr.Roshan Kumar
& Mr.Shobhit Sharma, Advocates
for D-1.**

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **23.09.2019**

I.A. 13221/2019 (exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of.

**I.A. 13220/2019 (by the defendant No.1 seeking clarification/
modification of order dated 13.08.2019.)**

1. Issue notice. Mr.Bharat Gupta, learned counsel for the plaintiffs, accepts notice. With the consent of the counsel, the application is taken up for disposal today.

2. By an order dated 13.08.2019, this Court had directed that the rental amount in respect of the property be deposited by the defendant with the Registrar General of this Court on or before the 10th of every month. It was further directed that the deposit shall be made after deduction of TDS, and copies of the TDS certificates shall also be filed on a quarterly basis in these proceedings.

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3. The present application has been filed by the defendant No.1 contending that there is a dispute as to whether the rent is to be credited to the account of the mortgagor [Ms.Saroj Marwah] or the account of the plaintiffs. In these circumstances, learned counsel submits that defendant No.1 be directed to deposit the rental amounts without deduction of TDS, since March, 2019, and the TDS shall be deducted and deposited in accordance with further orders that the Court may pass.

4. Learned counsel for the plaintiffs has no objection to the application being allowed in these terms.

5. In view of the fact that there is a dispute as to the identity of the person in whose account the rent is ultimately to be credited, the defendant's submission is accepted. The deduction of TDS can be made when it is clear as to whose bank account the amount has to be deposited in.

6. The application is, therefore, disposed of with the direction that the monthly rent be deposited in terms of the order dated 13.08.2019 from March, 2019, without deduction of TDS. The issue of TDS shall be subject to further orders of the Court. The rental amount from March, 2019 to September, 2019 shall be deposited by the defendant by 30.09.2019. Further monthly rental amounts shall be deposited by the 10th of every succeeding month.

PRATEEK JALAN, J

SEPTEMBER 23, 2019

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