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

+ **RSA 103/2018**

ZILE SINGH

..... Appellant

Through: Mr. Suresh Sharma, Adv.

Versus

SCINDIA POTTERIES & SERVICES PVT LTD..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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16.07.2018

CM No.27660/2018 (for exemption)

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

RSA 103/2018, Caveat No.625/2018 & CM No.27659/2018 (for stay)

3. None appears for the respondent / caveator.
4. The respondent / caveator filed a suit for recovery of possession of a quarter, situated in the property known as Scindia Potteries Labour Quarters Complex at Sarojini Nagar, New Delhi, in possession of the appellant / defendant. The said suit was dismissed, reasoning that the respondent / plaintiff had not proved ownership. However, the appeal preferred by the respondent / plaintiff has been allowed reasoning that in another suit filed by the respondent / plaintiff with respect to another portion of the property in Scindia Potteries Complex, this Court in appeal found the respondent / plaintiff to be the owner of the said property known as Scindia Potteries and further reasoning that a judgment qua ownership of a property is relevant in a suit against others also.



5. It is deemed appropriate to hear the counsel for the appellant in the presence of the counsel for the respondent who, despite filing caveat, has chosen not to appear.
6. Issue notice to the respondent / caveator by all modes including dasti and through the counsel who had filed the caveat, returnable on 1st November, 2018.
7. In the meanwhile, the Suit Court file and the First Appellate Court file be also requisitioned.
8. On enquiry, it is informed that the subject quarter is on an area of 35 sq. yds. and comprising of one room only.
9. Subject to the appellant, on or before 31st July, 2018 depositing an amount computed at the rate of Rs.5,000/- per month towards use and occupation charges of the said quarter, with effect from the month of April, 2018 (the impugned judgment is dated 24th March, 2018) till the month of July, 2018 and subject to the appellant continuing to deposit a sum of Rs.5,000/- per month, in advance for each month, by the 10th day of each month, till the month of the next date of hearing, there shall be stay of execution.

RAJIV SAHAI ENDLAW, J

JULY 16, 2018

‘gsr’ ..