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

+ RC.REV. 350/2016, CM APPL. 14104/2018, 41761/2024,
41762/2024 & 45138/2024

MAHINDER KAUR (SINCE DECEASED) THR HER LEGAL
REPRESENTATIVES & ORSPetitioners

Through: Ms. Kritika Khurana and Mr. Tushar
Mudgil, Advocates.

versus

O P VERMA (SINCE DECEASED) THR HIS LEGAL
REPRESENTATIVERespondent

Through: Mr. D.K. Sharma and Mr. Parth
Sahrawat, Advocates.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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28.11.2024

CM APPL. 41762/2024 [Condonation of delay in deposition of rent]

1. This is an Application seeking condonation of delay of 09 days in depositing the rent.
2. For the reasons as stated in the Application, the same is allowed.
3. The Application stands disposed of.

CM APPL. 41761/2024 [Deposition of rent]

4. This is an Application filed by the Respondent seeking deposition of rent.
5. Learned Counsel for Respondents submits although interim protection has been granted to the Petitioner on 21.02.2018, no user and occupation charges are being paid. He submits that in terms of the judgment of the



Supreme Court in *Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd.* reported as (2005) 1 SCC 705, once an Eviction Order is passed, the tenant is required to pay the use and occupation charges at market rent till the final disposal of the Revision Petition.

6. Given the fact that the Petitioner is enjoying the interim protection granted by this Court in terms of order dated 21.02.2018, the Petitioner shall be liable to pay user and occupation charges from after the passing of the Eviction Order.

6.1 Learned Counsel for the Petitioner shall take instructions in respect of the user and occupation charges which would will be payable from 09.09.2016 onwards.

7. The parties shall file their lease deeds/documents and photographs in support of their respective contentions *qua* use and occupation charges, along with a short note before the next date of hearing.

8. The parties shall remain present in Court on the next date of hearing to facilitate the same.

9. List for affixation of user and occupation charges on 18.12.2024 in the Supplementary list.

10. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

NOVEMBER 28, 2024/pa

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