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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RSA 134/2017

M/S SHAKUN & CO (SERVICE) PVT LTD & ANR

..... Appellants

Through: Mr. Sanjay Bhatt and Mr. Naveen
Kumar, Advocates.

versus

ASHOK DUGGAL

..... Respondent

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% 12.05.2017

C.M. Appl. Nos. 17782-83/2017 (for exemptions)

Exemptions allowed, subject to all just exceptions.

C.Ms. stand disposed of.

RSA 134/2017 and C.M. Appl. No. 17781/2017 (for stay)

1. Learned counsel for the appellants argues that right of one co-owner after termination of tenancy is to occupy the whole or part of the premises till there is partition between the co-owners and till partition every co-owner is entitled to use the entire property. It is argued that once a co-owner, such as the appellant no. 2, is the co-owner of the property, and therefore entitled to use the same, then from a co-owner rental charges or mesne profits/damages cannot be claimed.

RSA 134/2017

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2. In view of the arguments urged on behalf of counsel for the appellants, till further orders unless varied by the Court there shall be stay of operation to the impugned orders dated 7.4.2017 and 9.10.2013.
3. Let notice be issued to the respondent on filing of process fee, both in the ordinary method as well as by registered AD post, returnable on 22nd September, 2017.
4. Trial court record be requisitioned.
5. A copy of the order be given dasti.

VALMIKI J. MEHTA, J

MAY 12, 2017

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