

**Vikrant Sood Vs. Ram Kumari and Ors.**

**Civil Revision No.86 of 2015**

05.12.2025 Present: Mr. Anuj Gupta and Mr. Rohit Sharma,  
Advocates, for the petitioner.

Name of respondent No.1 is ordered to be deleted vide order dated 13.10.2025.

Mr. Deepak Gupta, Advocate, for respondents No.2 to 4.

None for respondents No.5 and 6.

Respondent No.7 is proceeded against ex parte.

In pursuance to the previous order, learned counsel for respondents No.2 to 4 has filed the measurements of the premises in the case at hand. Learned counsel for the petitioner submits that they accept the measurements so placed on record and do not intend to place anything contrary to the same. Learned counsel for the petitioner fairly concedes that the measurements placed on record are correct as they form the basis of the sale deed, by virtue of which part of the suit property pertaining to the present case, has been purchased by the present petitioner.

List on **23.12.2025**.

**CMP No.27633 of 2024**

No reply is intended to be filed on behalf of the non-applicant, in view of the law laid down in the authoritative pronouncement of the Apex Court in **2004 (3) SCC 178, India Umbrella Manufacturing Co. and**

**Ors. Vs. Bhagabandel Agarwalla (dead) by LRs Savitri Agarwalla and Ors.,** Relevant extract of which is reproduced herein below:-

*"7.....The fact remains that they have purchased only a share in the property and not the entire property. The applicability of doctrine of merger within the meaning of Clause (d) of [Section 111](#) of the Transfer of Property Act, 1882 is not attracted. In order to bring the tenancy to an end the merger should be complete, i.e. the interest of the landlord in its entirety must come to vest and merge into the interest of tenant in its entirety. When part of the interest of the landlord or the interest of one out of many co-landlords-cum-co-owners comes to vest in the tenant, there is no merger and the tenancy is not extinguished."*

Other than the aforesaid, learned counsel for the respondent has placed reliance upon **1999 (4) SCC 1989, titled R. Rathinavel Chettiar and Anr. Vs. Sivaraman and Ors..** The relevant extract is reproduced herein below:-

*"In view of the above discussion, it comes out that where a decree passed by the trial court is challenged in appeal, it would not be open to the plaintiff, at that stage, to withdraw the suit so as to destroy that decree. The rights which have come to be vested in parties to the suit under the decree cannot be taken away by withdrawal of suit at that stage unless very*

*strong reasons are shown that the withdrawal would not affect or prejudice anybody's vested rights."*

The reference of the latter case in the case at hand is of no avail to the present respondents, as in the present case the present revision is all that is being sought to be withdrawn. However, in the interest of justice, it would be appropriate that withdrawal of the present revision petition be allowed, post-determination of use and occupation charges, since the case in the case at hand has been filed in the year 2015 and the initial eviction order in the case at hand is dated 09.12.2010. Hence, the present respondent/landlord is entitled for use and occupation charges since 09.12.2010, when the landlord-tenant relationship inter se the parties was determined.

**(Bipin C. Negi)**  
**Judge**

05<sup>th</sup> December, 2025  
(Gaurav Rawat)