

**Vikrant Sood vs. Ram Kumari and others**

**Civil Revision No.86 of 2015**

**06.01.2026 Present:** Mr. Anuj Gupta, Advocate, 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.

**CMP No.23352 of 2024**

The eviction, in the case at hand, was initially passed by the Rent Controller on 09.12.2010. Subsequent thereto, proceedings before the First Appellate Court were initiated by the present petitioner/tenant. The same was instituted on 24.12.2010. The appeal so preferred before the First Appellate Court was decided on 02.03.2015, whereby the eviction made by the Rent Controller dated 09.12.2010 had been affirmed by the First Appellate Court. Hence, revision was preferred before this Court. The revision petition was filed for the first time on 06.07.2015. Vide order of the said date, operation and execution of the impugned judgment passed by the First Appellate Court affirming the eviction order passed by the Rent Controller, had been stayed.

In the aforesaid backdrop, an application for use and occupation charges, in the case at hand, had been filed for the first time by the landlord/respondent on 20.11.2024. The contention raised by the petitioner/tenant is that in the facts and circumstances of the case at hand, the landlord/respondent would not be entitled to use and occupation charges from the date on which the eviction, in the case at hand, had been ordered by the Rent Controller.

Per contra, learned counsel for the respondent has placed reliance upon the authoritative pronouncement of the Apex Court, reported in **2005 (5) SCC 531** titled **Achal Misra vs. Rama Shankar Singh and Others**, to contend that it would be travesty of justice if the landlord/respondent, in the case at hand, is denied use and occupation charges from the date on which the eviction had been ordered by the Rent Controller and the petitioner/tenant, in the case at hand, would be permitted to go scot-free after having enjoyed the premises, in the case at hand, which exist in a prime commercial area without any payment at all. The relevant extract of the aforesaid judgment is being reproduced here-in-below for ready reference:-

*"21. This litigation is more than 25 years old. To allow the tenants to contest the case without payment of arrears and occupation charges falling due month by month would be travesty of justice. There are two proceedings pending between the parties: one is the present proceedings and the other is a suit for recovery of rent filed by the landlord against the tenants.*

**22. We direct as under:-**

*(i) Within a period of two months from today respondent No.1- Rama Shanker Singh, in occupation of the ground floor, shall tender an amount of Rs.3,50,000/- through demand draft drawn on a scheduled bank in the name of the landlord and hand over the same to the counsel for the landlord. With effect from 1.5.2005, month by month, or on or before the 15th day of that month, Rama Shanker Singh-respondent No.1 shall pay an amount of Rs.1200/- per month plus the amount of water tax and drainage tax through bank draft drawn in the name of the landlord and tendered either to the landlord or to her counsel.*

*(ii) Within a period of two months from today respondent No.2- Raj Singh, in occupation of the first floor, shall tender an amount of Rs.3,00,000/- by way of demand draft drawn on a schedule bank in the name of the landlord and hand over the same to the counsel for the landlord. With effect from 1.5.2005, month by month, on or before the 15th day of that month, Raj*

*Singh-respondent No.2 shall pay an amount of Rs.1000/- per month, plus the amount of water tax and drainage tax through bank draft drawn in the name of the landlord and tendered either to the landlord or to her counsel.*

*(iii) This amount shall be treated as a provisional payment but a condition precedent to their entitlement to contest the present proceedings. The amount so paid shall be liable to be adjusted consistently with the decree that may be passed by the competent Court for the recovery of the rent.*

*(iv) Any respondent who does not comply with the above-said order, shall not be entitled to contest in the proceedings and shall not be entitled to be heard.*

**23.** *From the material available on record it does not appear that any rate of rent was appointed at which rent would be payable by the respondents to the landlord. The respondents also do not seem to have taken any steps for fixation of rent of the premises in their occupation. They have been happy to have got the premises in a prime locality, occupying and enjoying the same for no payment. We make it clear that the respondents shall be liable to pay the rent equivalent to mesne profits with effect from the date with which they are found to have ceased to be entitled to retain possession of the premises as tenant and for such period the landlord's entitlement cannot be held pegged to the standard rent. Reference may be had to the law laid down by this Court in [Atma Ram Properties \(P\) Ltd. vs. Federal Motors \(P\) Ltd. \(2005 \(1\) SCC 705\)](#).”*

In view of the law so declared by the Apex Court, I see force in the contention of the learned counsel appearing on behalf of the respondent/landlord.

Faced with the aforesaid, learned counsel appearing on behalf of the petitioner/tenant contends that he would seek sometime to resolve the issue with the landlord/respondent.

As prayed, list on **03.03.2026**.

**January 6, 2026** (KS)

**( Bipin C. Negi )  
Judge**