

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A. NO.2 IN CIVIL APPEAL NO.1894 OF 2007

BALWINDER SINGH

Appellant (s)

VERSUS

JAGJIT SINGH JANDU

Respondent(s)

(For payment of accumulated arrears of rent as damage for use and occupation of the shop in dispute till this day with office report)

With I.A. No.1 in Civil Appeal No.1896 of 2007

(For payment of accumulated arrears of rent as damage for use and occupation of the shop in dispute till this day with office report)

I.A. No.1 in Civil Appeal No.1899 of 2007

(For payment of accumulated arrears of rent as damage for use and occupation of the shop in dispute till this day with office report)

I.A. No.2 in Civil Appeal No.1897 of 2007

(For payment of accumulated arrears of rent as damage for use and occupation of the shop in dispute till this day with office report)

I.A. No.2 in Civil Appeal No.1901 of 2007

(For payment of accumulated arrears of rent as damage for use and occupation of the shop in dispute till this day with office report)

Date: 05/10/2009 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s)

Mr. Pardeep Gupta,Adv.  
Mr. Eklabh Gupta,Adv.  
Mr. K.K. Mohan,Adv.  
Mr. Suresh Bharti,Adv.

....2/-

- 2 -

For Respondent(s)

Mr. K.G. Bhagat,Adv.  
Ms. Manju Bhagat,Adv.  
Mr. Manohar Singh Bakshi,Adv.  
Mr. Vineet Bhagat,Adv.  
Mr. Debasis Misra,Adv.

UPON hearing counsel the Court made the following  
O R D E R

I.A. No.2 in Civil Appeal No.1894 of 2007:

Heard learned counsel for the parties.  
Prayer has been made in this application  
for directing the tenant to deposit arrears of rent  
amounting to Rupees twenty five thousand two

hundred along with interest at the rate of twelve per cent per annum. Learned counsel appearing on behalf of the appellant stated that this amount of rent is up to the month of January, 2009, and the rate of rental is Rupees three hundred per month. The application was filed on 16th February, 2009, after serving a copy thereof upon learned counsel for the respondent but no counter affidavit has been filed. Learned counsel appearing on behalf of the respondent made a prayer for grant of time to file counter affidavit. We do not find any justification whatsoever to grant time to file counter affidavit after expiry of eight months from the date of filing of the application. Accordingly, prayer for grant of time to file counter affidavit is rejected. Learned counsel appearing on behalf of the appellant further stated that even after January, 2009, no rental has been paid. In view of this, we direct the appellant-tenant to hand over an account payee bank draft to

....3/-

- 3 -

the respondent drawn in his favour upon a Scheduled Bank at Nakodar, District Jalandhar within the State of Punjab, latest by 30th November, 2009. The draft shall be prepared for the following amounts; Arrears of rent upto the month of January, 2009

Rs.25,200/-

Rental for eight months from February, 2009, to September, 2009 at the rate of Rs.300/- p.m.

Rs. 2,400/-

-----  
Rs.27,600/-  
-----

The appellant is further directed to deposit current rental in the Trial Court at the rate of Rupees three hundred per month by the 15th day of the following month, i.e., rental for the month of October, 2009, shall be paid by 15th November, 2009, and likewise for the subsequent month till the disposal of this appeal. In case the said amount is deposited, the respondent shall be permitted to withdraw the same unconditionally.

The interlocutory application is, accordingly, disposed of.  
I.A. No.1 in Civil Appeal No.1896 of 2007:

Heard learned counsel for the parties.

Prayer has been made in this application for directing the tenant to deposit arrears of rent amounting to Rupees seventy five thousand six hundred along with interest at the rate of twelve per cent per annum. Learned counsel appearing on behalf of the appellant stated that this amount of rent is up to the month of January, 2009, and the rate of rental is Rupees nine hundred per month.

....4/-

- 4 -

The application was filed on 16th February, 2009, after serving a copy thereof upon learned counsel for the respondent but no counter affidavit has been filed. Learned counsel appearing on behalf of the respondent made a prayer for grant of time to file counter affidavit. We do not find any justification whatsoever to grant time to file counter affidavit after expiry of eight months from the date of filing of the application.

Accordingly, prayer for grant of time to file counter affidavit is rejected. Learned counsel appearing on behalf of the appellant further stated that even after January, 2009, no rental has been paid. In view of this, we direct the appellant-tenant to hand over an account payee bank draft to the respondent drawn in his favour upon a Scheduled Bank at Nakodar, District Jalandhar within the State of Punjab, latest by 30th November, 2009. The draft shall be prepared for the following amounts;

Arrears of rent upto the month of January, 2009 Rs.75,600/-

Rental for eight months from February, 2009, to September, 2009 at the rate of Rs.900/- p.m. Rs. 7,200/-  
-----  
Rs.82,800/-  
-----

The appellant is further directed to deposit current rental in the Trial Court at the rate of Rupees nine hundred per month by the 15th day of the following month, i.e., rental for the month of October, 2009, shall be paid by 15th November, 2009, and likewise for the subsequent month till the disposal of this appeal. In case the said amount is deposited, the respondent shall be permitted to withdraw the same unconditionally.

- 5 -

The interlocutory application is, accordingly, disposed of.

I.A. No.1 in Civil Appeal No.1899 of 2007:

Heard learned counsel for the parties.

Prayer has been made in this application for directing the tenant to deposit arrears of rent amounting to Rupees one lakh fifty nine thousand six hundred along with interest at the rate of twelve per cent per annum. Learned counsel appearing on behalf of the appellant stated that this amount of rent is up to the month of January, 2009, and the rate of rental is Rupees one thousand nine hundred per month. The application was filed on 16th February, 2009, after serving a copy thereof upon learned counsel for the respondent but no counter affidavit has been filed. Learned counsel appearing on behalf of the respondent made a prayer for grant of time to file counter affidavit. We do not find any justification whatsoever to grant time to file counter affidavit after expiry of eight months from the date of filing of the application. Accordingly, prayer for grant of time to file counter affidavit is rejected. Learned counsel appearing on behalf of the appellant further stated that even after January, 2009, no rental has been paid. In view of this, we direct the appellant-tenant to hand over an account payee bank draft to the respondent drawn in his favour upon a Scheduled Bank at Nakodar, District Jalandhar within the State of Punjab, latest by 30th November, 2009. The draft shall be prepared for the following amounts;

Arrears of rent upto the month of January, 2009 Rs.1,59,600/-  
.....6/-

Rental for eight months from February, 2009, to September, 2009 at the rate of Rs.1900/- p.m. Rs. 15,200/-  
-----  
Rs.1,74,800/-  
-----

The appellant is further directed to deposit current rental in the Trial Court at the rate of Rupees one thousand nine hundred per month by the 15th day of the following month, i.e., rental for the month of October, 2009, shall be paid by 15th November, 2009, and likewise for the subsequent month till the disposal of this appeal. In case  
the said amount is deposited, the respondent shall be permitted to withdraw the same unconditionally.

The interlocutory application is, accordingly, disposed of. I.A. No.2 in Civil Appeal No.1897 of 2007:

Heard learned counsel for the parties.

Prayer has been made in this application

for directing the tenant to deposit arrears of rent amounting to Rupees thirty three thousand six hundred along with interest at the rate of twelve per cent per annum. Learned counsel appearing on

behalf of the appellant stated that this amount of rent is up to the month of January, 2009, and the rate of rental is Rupees four hundred per month.

The application was filed on 16th February, 2009, after serving a copy thereof upon learned counsel for the respondent but no counter affidavit has been filed. Learned counsel appearing on behalf of

the respondent made a prayer for grant of time to file counter affidavit. We do not find any  
justification whatsoever to grant time to file counter affidavit after expiry of eight months from ....7/-

the date of filing of the application. Accordingly, prayer for grant of time to file counter affidavit is rejected. Learned counsel

appearing on behalf of the appellant further stated that even after January, 2009, no rental has been paid.

In view of this, we direct the appellant-tenant to hand over an account payee bank draft to the respondent drawn in his favour upon a Scheduled Bank at Nakodar, District Jalandhar within the  
State of Punjab, latest by 30th November, 2009. The  
draft shall be prepared for the following amounts;

Arrears of rent upto the month of January, 2009 Rs.33,600/-

Rental for eight months from February, 2009, to September, 2009 at the rate of Rs.400/- p.m. Rs. 3,200/-  
-----  
Rs.36,800/-  
-----

The appellant is further directed to deposit current rental in the Trial Court at the rate of Rupees four hundred per month by the 15th day of the following month, i.e., rental for the month of October, 2009, shall be paid by 15th November, 2009, and likewise for the subsequent month till the disposal of this appeal. In case

the said amount is deposited, the respondent shall be permitted to withdraw the same unconditionally.

The interlocutory application is, accordingly, disposed of.  
I.A. No.2 in Civil Appeal No.1901 of 2007:

Heard learned counsel for the parties.

....8/-

- 8 -

Prayer has been made in this application for directing the tenant to deposit arrears of rent amounting to Rupees thirty three thousand six hundred along with interest at the rate of twelve per cent per annum. Learned counsel appearing on

behalf of the appellant stated that this amount of rent is up to the month of January, 2009, and the rate of rental is Rupees four hundred per month.

The application was filed on 16th February, 2009, after serving a copy thereof upon learned counsel for the respondent but no counter affidavit has been filed.

Learned counsel appearing on behalf of the respondent made a prayer for grant of time to file counter affidavit. We do not find any justification whatsoever to grant time to file counter affidavit after expiry of eight months from the date of filing of the application. Accordingly, prayer for grant of time to file counter affidavit is rejected. Learned counsel

appearing on behalf of the appellant further stated that even after January, 2009, no rental has been paid.

In view of this, we direct the appellant-tenant to hand over an account payee bank draft to the respondent drawn in his favour upon a Scheduled Bank at Nakodar, District Jalandhar within the State of Punjab, latest by 30th November, 2009. The draft shall be prepared for the following amounts;

Arrears of rent upto the month of January, 2009

Rs.33,600/-

Rental for eight months from February, 2009, to September, 2009 at the rate of Rs.400/- p.m.

Rs. 3,200/-

-----  
Rs.36,800  
-----

....9/-

- 9 -

The appellant is further directed to deposit current rental in the Trial Court at the rate of Rupees four hundred per month by the 15th day of the following month, i.e., rental for the month of October, 2009, shall be paid by 15th November, 2009, and likewise for the subsequent month till the disposal of this appeal. In case

the said amount is deposited, the respondent shall be permitted to withdraw the same unconditionally.

The interlocutory application is, accordingly, disposed of.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Savita Sainani ]  
Court Master