

Mohd Shahzad vs.manju Luthra & Anr

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SooperKanoon Citation : sooperkanoon.com/1202413

Court : Delhi

Decided On : Dec-22-2016

Appellant : Mohd Shahzad

Respondent : Manju Luthra & Anr

Judgement :

§~9. * + 1. IN THE HIGH COURT OF DELHI AT NEW DELHI RFA10202016
MOHD SHAHZAD Appellant Through: Mr. Jayant Bhatt, Mr. Hamid Khan, Mr.
Vipin Kumar and Ms. Shivani Sharma, Advocates with appellant in person. versus
Through: None

... RESPONDENTS

MANJU LUTHRA & ANR CORAM: HON'BLE MS. JUSTICE HIMA KOHLI % The
appellant is aggrieved by the impugned judgment and decree

ORDER

2212.2016 dated 23.05.2016, whereunder the trial court has allowed an
application filed by the respondents/plaintiffs under Order XII Rule 6 CPC and held
that on the admissions made by the appellant/defendant in the written statement,
the respondents/plaintiffs are entitled to a decree of possession in respect of the
suit premises. For the remaining reliefs of damages/mesne profits towards the use
and occupation of the suit premises, the suit is pending before the trial court.

2. After addressing arguments for some time, learned counsel for the appellant states that he does not wish to press the appeal on merits. Instead, he requests that the appellant, who was running a business of sale of fabrics from the suit premises till the electricity and water thereof was disconnected by the concerned agencies at the request of the respondents/plaintiffs in June, 2016, may be granted some reasonable time of at least eight months to vacate the same. RFA10202016 Page 1 of 2 3. It has been enquired from learned counsel for the appellant as to the last date when the use and occupation charges in respect of the suit premises were paid by the appellant to the respondents and whether he is ready and willing to settle the entire dispute with the respondents by clearing the outstanding rent/use and occupation charges @ Rs.32,000/- per month, in terms of the lease deed.

4. Learned counsel for the appellant states on instructions that the said amount if calculated with effect from August, 2015 till 31.12.2016, comes to Rs.5,12,000/-. He submits that the appellant is not in a financial position to deposit the entire amount at one go but to show his bonafides, he is ready and willing to deposit a sum of Rs.2 lacs in the first instance, if granted a period of six weeks.

5. Accordingly, in view of the submission made above, the present appeal is disposed of alongwith the pending applications. On the appellant filing the process fee within one week, a limited notice shall be issued to the respondents by ordinary process, speed post, courier and dasti as well, on the timeline for the appellant to vacate the suit premises and for negotiating a settlement with regard to the use and occupation charges, returnable on 09.02.2017.

6. On the appellant depositing a sum of Rs.2 lacs within six weeks from today, operation of the impugned judgment and decree shall remain stayed. DASTI. HIMA KOHLI, J DECEMBER22 2016 rkb/ap RFA10202016 Page 2 of 2