

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA NO. 440/2012**

GLOVAL VISA SERVICES PVT. LTD. .. Appellant

versus

DIAGNOSTIC REPRODUCTIVE
ENDOSCOPIC ACADEMY OF MEDICAL SURGERRY
RESEARCH CENTRE Respondent

Date of Decision:02.11.2012

Advocates who appeared in this case:

For the Appellant : Mr. P. Narula with Ms. Prerna Mehta,
Advocates.
For the Respondent : None.

CORAM:

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

SUDERSHAN KUMAR MISRA, J. (ORAL)

RFA No.440/2012

1. The only ground raised is that the learned court below failed to take into consideration the plea raised by the appellant/defendant in the written statement, as well as in his reply to the application filed under Order XII Rule 6 of the CPC to the effect that the respondent/plaintiff was not entitled to terminate the lease by notice under Section 106 of the Transfer of Property Act, as he purported to do, “on account of the excess rent received by the plaintiff to the tune of Rs.1,55,482/-”.

2. During the course of arguments, when it is put to counsel for the appellant that the plea is merely to the effect that, “excess rent”, has been

allegedly paid to the plaintiff/respondent and not that the plaintiff/ respondent had received any, “advance rent”, from the appellant for a period beyond the date on which the lease stood terminated in terms of the aforesaid notice under Section 106 of the Transfer of Property Act, learned counsel for the appellant fairly concedes that this amount, which is mentioned as “excess rent”, does not pertain to any such advance rent.

3. Under the circumstances, I do not find any infirmity in the impugned judgment and, therefore, it does not call for any interference by this Court.

4. The appeal is dismissed.

SUDERSHAN KUMAR MISRA, J.

NOVEMBER 02, 2012
dr