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

+ **CS(OS) 1943/2012**

PARVEEN MEHRA & ANR Plaintiffs

Through : Mr. Devinder N. Grover, Adv.

versus

M/S MAURYA MOTORS Defendant

Through : Mr. C. Mohan Rao and Mr. Lokesh
Kumar Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **30.09.2015**

CS(OS) 1943/2012

Plaintiffs had filed this suit against the defendant for possession and recovery of mesne profits/damages. It is not in dispute that the defendant was tenant of the plaintiffs. In fact, a decree of possession has already been passed on 6th May, 2013. Local Commissioner was appointed to carry out enquiry with regard to mesne profits/damages. Learned Local Commissioner has filed the report on 1st October, 2014. The defendant has not filed any objection to this report till date. I do not find any justification to grant any further time to the defendant to file objections. Even otherwise, Learned Local Commissioner has not assessed the mesne profits/damages on the basis of settled law, as laid down in various reports. He has simply

followed the judgments. In M. C. Aggarwal HUF Vs. M/s.Sahara India & Ors., 183 (2011) DLT 105 it has been held that even if there is no evidence led by the landlords with respect to the rents prevalent in the area for increase in the rent the landlord of the centrally located commercial localities of Delhi (though situated in Connaught Place) can ordinarily be granted 15% increase over the contractual rent compounded at the rate of 15% every year cumulatively taking judicial notice of the fact that the rent rise approximately at high rate in metropolitan cities, more so particularly in the capital of India. Reliance has also been placed by Learned Local Commissioner on Sneh Vaish & Anr. Vs. State Bank of Patiala : 189 (2012) DLT 153 wherein 15% increase was granted as mesne profits till vacation of the premises besides interest @ 12% per annum. Reliance is also placed on State Bank of India Vs. H. C. Takyar (HUF) wherein also increase of 15% was suggested. Learned Local Commissioner has granted increase of 10% only which is lesser than what has been envisaged in the judgments. As regards period for which rent has been calculated is specifically mentioned at page no.29 of the report. Learned Local Commissioner has calculated Rs.20,90,317.68 as on 5th July, 2013, when premises was vacated. Accordingly, a decree is passed in favour of the

plaintiffs against the defendant in the sum of Rs.20,90,317.68 together with interest @ 12% per annum with effect from 1st August, 2013 till realization of the decretal amount. Plaintiffs are also awarded costs of the proceedings. Suit is disposed of.

All the other miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

SEPTEMBER 30, 2015
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