

\$~20.

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

+ CS(OS) 2440/2014

MUKESH KUMAR Plaintiff

Through: Mr. Amit Mahajan, Advocate with
Mr. Sidhartha Das, Advocate

versus

RANJANA ARORA Defendant

Through: Mr. Anish Dhingraa, Advocate

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI

ORDER
% 05.11.2015

1. This order is in continuation of the order dated 02.11.2015. On the said date, counsel for the plaintiff had offered that the entire dispute could be resolved if the defendant is agreeable to the amount already deposited by him being released in favour of the plaintiff and in that eventuality, he would be in a position to persuade his client to give up the claim for *mesne* profits. Counsel for the defendant had sought time to obtain instructions from his client.

2. Today, counsel for the defendant states that his client is agreeable to the aforesaid suggestion. He further states that the plaintiff has to refund the security amount of Rs.30,000/- lying with him. He suggests that the rent payable to the plaintiff for the month of

November, 2015 may be deducted from the security amount liable to be refunded by the plaintiff and he may approach the Registry for seeking refund of the amount deposited by the defendant, less a sum of Rs.5,800/- (after adjusting the rent for the month of November, 2015 from the security amount of Rs.30,000/-) from the amount lying deposited.

3. Counsel for the plaintiff states that the balance sum of Rs.5,800/- may be released in favour of the defendant only upon his furnishing a no dues certificate from the concerned authorities for the consumption of the electricity and water in respect of the suit premises.

4. Counsel for the defendant states that he has no objection to furnishing no dues certificate from the authorities and/or demonstrate that all the dues for consumption of the electricity and water in respect of the suit premises have been cleared.

5. The defendant shall furnish the relevant documents to the plaintiff within three weeks. In the meantime, the plaintiff shall be at liberty to approach the Registry for seeking release of the amounts deposited by the defendant minus a sum of Rs.5,800/-. The said amount shall be retained by the Registry and on the defendant satisfying the plaintiff that there are no outstanding dues towards the

electricity and water consumption in respect of the suit premises, the plaintiff shall file a no objection in the Registry with a copy to the defendant to enable him to approach the Registry for release of Rs.5,800/-.

6. The suit is disposed of while leaving the parties to bear their own expenses.

7. At this stage, learned counsel for the plaintiff states that in view of the fact that the parties have been able to arrive at a negotiated settlement, the plaintiff may be refunded the court fees in terms of Section 16-A of the Court Fees Act.

8. In view of the aforesaid submission made by the counsel for the plaintiff, the Registry is directed to issue a certificate in favour of the plaintiff for refund of 50% of the court fees, as per law.

9. The suit is disposed of, along with the pending application.

File be consigned to the record room.

HIMA KOHLI, J

NOVEMBER 05, 2015

rkb