

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 3024/2014
RAJEER SINGAL Plaintiff

versus

CORAM:

ORDER

This matter is received from the Court of Sh.Koval Venugopal (DHJS), Joint Registrar (Judicial).

Record shows that suit has already been disposed of on 26.05.2015. As per this application, no appeal has been preferred by the defendant. In facts, the application is allowed. Let the original lease deed and original operations and maintenance agreement both dated 15.06.2011 be returned to the plaintiffs or their counsels subject to filing the certified copies of these two documents.

I.A. No.20953/2015 filed by the plaintiff seeking preparation of the decree on the payment of Court fees.

As per this application, the defendants handed over the vacant

possession of the suit property to the plaintiff on 22.01.2015 in the Court in CCP No.5/2015.

It is stated that the Registry has asked the plaintiff to deposit additional Court fees of Rs.26733.60 to draw the decree which is incorrect calculation since the Court has granted mesne profit/damages at the rate of last paid rent on which only additional Court fees of Rs.6687.20 is payable.

I have perused the record which shows that suit was decreed on 26.05.2015 in respect of the prayers made except to the extent that the damages and mesne profits shall be payable for the period post termination of tenancy till actual handover of the possession on the last paid rent. The last paid rent was Rs.105455/-. Admittedly, the possession was handover on 22.01.2015 and the tenancy was terminated w.e.f. 15.08.2014. Plaintiff is entitled to mesne profit and damages for this period at the rate of Rs.105455/- per month and for no other period and for no other amount. The calculation of the Registry in this regard dated 15.7.2015 is incorrect.

Registry is directed to recalculate the Court fees payable as mentioned hereinabove and plaintiff to pay that amount within two weeks thereafter.

This I.A. also stands disposed of.

AMIT KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)

APRIL 07, 2016/nk