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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 108/2015 & C.M. No.2143/2015 (stay)
LT COL ATTAR SINGH (RETD)

..... Petitioner

Through Mr. G.K. Kaushik, Adv.

versus

PRABHAKAR PRABHAT GUPTA & ANR

..... Respondents

Through Mr. Murari Lal Tiwari, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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16.02.2016

A sum of Rs.17,72,000/- which were the arrears of rent which were required to be deposited by the petitioner have since been deposited in this Court. The impugned order is dated 22.09.2014. This order had struck off the defence of the defendant/petitioner. The Trial Court had noted that inspite of specific directions to the petitioner to pay an amount of Rs.22,000/- per month in favour of the plaintiffs, this amount had not been paid. The arrears had accumulated to Rs.17,72,000/- which were thereafter deposited before this Court. Admittedly there is a written document dated 26.09.2000 inter-se the parties by virtue of which the Trial Court had come to the conclusion that a sum of Rs.22,000/- per month is payable by the tenant to the plaintiffs. This amount of Rs.17,72,000/- which stands lying with this Court is permitted to be released to the plaintiffs. This amount will be subject to the final outcome of the trial. The order dated 22.09.2014 is

set aside. The defendant is granted permission to defend the suit. This Court has been informed that plaintiff No. 1 is being examined-in-chief. The defendant will be permitted to cross-examine the witnesses of the plaintiffs and to lead his evidence in defence.

Learned counsel for the respondents points out that there is a spelling mistake in name of respondent No.1. His name is Prakhar Prabhakar Gupta. This correction is accordingly made. Needless to state that the petitioner will continue to pay the admitted user charges of Rs.22,000/- per month during the pendency of the trial.

Petition disposed of.

INDERMEET KAUR, J

FEBRUARY 16, 2016

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