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

+ **FAO(OS) 117/2016**

HARCHARAN SINGH HAZOORIA

..... Appellant

Through: Mr Vikas Dhawan, Adv. with Mr S.C. Nanda, Mr
S.P. Das and Mr S. Panda, Advs.

versus

KULWANT SINGH HAZOORIA & ORS

..... Respondents

Through: Mr Sanjeev Sindhwani, Sr. Adv. with Ms Shalini
Kapoor, Ms Promil Seth, Ms Dikshant Khanna and Ms
Ruhini Dey, Advs. for R-1&3.

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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18.04.2016

CAV 323/2016

The learned counsel for the respondent/caveator is present.

The caveat stands discharged.

CM No. 13314/2016

Allowed subject to all just exceptions.

FAO(OS) 117/2016 & CM 13313/2016

We have heard the counsel for the parties. The impugned order dated 28.03.2016 was passed by the learned single Judge in three applications – IA Nos. 315-316/2015 and IA No. 23202/2014. The first two applications (IA Nos. 315-316/2015) have been filed by the appellant/plaintiff. Both those applications pertain to the first floor of the premises No.60, Ring Road, Lajpat Nagar-III, New Delhi. We have gone through the impugned order and we find that there is no error in the same. The learned single Judge has directed that 1/3rd of the rent being received from Amity Institute of Competitive Examinations in respect of the first floor of the said property is to be deposited in this court every month within a week on receipt of the said amount from the said tenant and the same is to be placed in a fixed deposit. The learned single Judge has directed that the tenant on the first floor shall make out two cheques namely for 1/3rd

of the amount in the name of the Registrar General of this court and the remaining 2/3rd in the name of the defendant no.1. 1/3rd of the amount for which the cheque is to be made in the name of the Registrar General of this court shall be received by the defendant no.3 and shall be deposited in this court as directed. The drawing of the cheques by the tenant in the name of the Registrar General of this court upon honour of the cheques as directed by the learned Single Judge shall constitute discharge of the liability of the tenant.

We feel that this arrangement that has been made by the learned single Judge is fair and reasonable and no interference is called for. Accordingly, the appeal insofar as the applications, being IA Nos. 315-316/2015, are concerned is dismissed.

Insofar as IA No. 23202/2014 is concerned which was filed by the defendant no.3/respondent no.3 for renewal of the lease in respect of the ground floor of the said premises, we find that there is no discussion or finding thereon. Consequently, we feel that the said application, being IA No. 23202/2014, ought to be remitted to the learned single Judge for a hearing and for a decision on merits on that application. For this purpose the said IA be listed before the learned single Judge on 25.04.2016 in the first instance.

The appeal stands disposed of.

BADAR DURREZ AHMED, J

APRIL 18, 2016
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SANJEEV SACHDEVA, J