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

+ CM(M) 750/2016 & CM Nos.28129-30/2016

MAHESH CHAND AGGARWAL ..... Petitioner

Through Mr.Vineet Jain, Advocate

versus

VARUN KUMAR JAIN & ANR ..... Respondents

Through Mr.Anand Singh, Advocate for R-2

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

% **15.12.2016**

On 23<sup>rd</sup> August, 2016 this court had passed a detailed order noting the submissions of the petitioner. A direction was passed on that date stating that there shall be a stay of the impugned order subject to deposit of rent/mesne profits without prejudice to the rights and the contentions of the petitioner @ Rs.37,000/- per month w.e.f. January, 2015 to August, 2016.

The learned counsel appearing for the petitioner submits that a sum of Rs.7,40,000/- has been deposited before the trial court in terms of the direction of this court.

The present petition is filed under Article 227 of the Constitution of India seeking to impugn order the order dated 29.04.2016 by which the application of the respondent under Order 39 Rule 10 CPC is disposed of with the direction to the petitioner to deposit the rent @ Rs.37,000/- per month from 01.01.2012 to January, 2016.

The petitioner has already deposited a sum of Rs.7,40,000/- from

January, 2015 to August, 2016, i.e. the period for which according to the petitioner the relief was sought by the respondents.

I am informed that the suit is at the stage of final argument. Evidence has been completed and both the parties have filed their respective written submission. Accordingly, in my opinion, no further orders are required in the present petition except that the sum of Rs.7,40,000/- deposited by the petitioner be released to respondent No.1. The said direction is without prejudice to the rights and contentions of the parties.

With the above direction, the present petition stands disposed of.

At this stage, the learned counsel for the respondents has submitted that the rent has been deposited only upto August, 2016 by the petitioner. He submits that a direction may be passed to deposit the rent for the balance period from September, 2016 till date. The respondent is free to make the said submission before the trial court.

**JAYANT NATH, J.**

**DECEMBER 15, 2016/v**