

\$~A-19

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

+ CM(M) 662/2016 & CM Nos.24388-24389/2016

D P ABROL (DECEASED) THR LRS Petitioner

Through Mr.Ajay Kr.Bhatnagar, Adv.

versus

USHA SETHI & ANR Respondent

Through None

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **13.07.2016**

Learned counsel for the petitioner submits that the trial Court by the impugned order dated 26.4.2016 has erroneously not taken into account that the rent for the period 1.4.2001 to 30.4.2002 was paid on 5.4.2002 and hence, it is the case that as per the impugned order there is delay in making the payment of the rent. He relies upon Section 26(1) of the DRC Act to contend that where the rent is not paid by the tenant within the time fixed by the Contract or in absence of such contract by the 15th day of the next month following the month for which it is payable, the tenant is by law obliged to pay Simple Interest @ 15% per annum from the date on which such payment of rent is due till the date when it is paid.

In my view it would be appropriate for the petitioner to file an appropriate review petition before the concerned Court. Giving liberty to the petitioner to file a review within 10 days from today the present petition stands disposed of. In case such a review petition is filed the trial court may

dispose it of in accordance with law.

All pending applications also stand disposed of accordingly.

JAYANT NATH, J

JULY 13, 2016

n