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

+ CM(M) 728/2016

NATIONAL GANDHI MUSEUM Petitioner
Through Mr. A.K. Singla, Sr. Advocate with
Mr. Abhimanyu S.Khatri, Advocate.

versus

KANTA THAKARAN Respondent
Through None.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **01.08.2016**

CM No. 27253/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 728/2016 and CM No.27252/2016 (interim directions)

It may be noted that an advance copy of the petition has been sent to the respondent and she has chosen not to appear today before this court.

The petitioner is aggrieved by order dated 14.07.2016 whereby the application of the petitioner/plaintiff under Section 151 CPC was disposed of rejecting the prayer of the petitioner to deposit the amount in the court and to release the same to the defendant/respondent upon her depositing the keys of the allotted accommodation. The petitioner has also filed an application under Order 39 Rules 1 & 2 CPC by which application the petitioner has sought ad interim injunction to restrain the defendant from obstructing/interfering while the petitioner/plaintiff removes defendant and

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her goods from the premises described as Quarter No.9, Rajghat Colony, New Delhi which is still pending.

A perusal of the impugned order shows that the application under Order 39 Rules 1 & 2 CPC has been adjourned to 09.09.2016.

Learned senior counsel appearing for the petitioner submits that these are dilatory tactics being adopted by the respondent to somehow retain the possession of the suit property inasmuch as she had superannuated from the services of the petitioner on 26.02.2015 and is no longer entitled to retain the official accommodation which is the suit property in question.

A perusal of the impugned order shows that a direction was issued to the respondent to approach the petitioner and to collect the amount of unpaid provident fund dues and other benefits which she is lawfully entitled to.

A further perusal of the written statement filed by the respondent shows that the only defence appears to be that the respondent has retired after 40 years of service, that the suit is mala fide as she is being selectively targeted and no payment of her retiral benefits including GPF has been made by the petitioner and that there are various other officials who are occupying the staff quarters for more than 6 years since retirement and no action has been taken against those other officials.

The matter is now coming before the trial court on 09.09.2016. The trial court is requested to dispose of the present application of the petitioner on that date.

Learned senior counsel appearing for the petitioner submits that on that date, he will be carrying a cheque for the full dues payable to the respondent based on calculations of the respondent on retirement which

would be handed over to the respondent as per the directions of the court. The learned senior counsel also submits that he will be filing an application under Order 12 Rule 6 CPC praying for passing a decree based on the admissions in the written statement.

It may however be noted that provisions of Order 12 rule 6 CPC can be invoked by the court at any stage of the case either on the application of any party or on its own motion without waiting for the determination of any other question between the parties.

With the above observations, the petition stands disposed of.

JAYANT NATH, J

AUGUST 01, 2016

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