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

+ **CM(M) 1009/2016**

REMAL DASS DUDEJA Petitioner
Through Petitioner in person

versus

SANTOSH MAHLAWAT Respondent
Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **03.10.2016**

CM No.36833-34 /2016 (*exemptions*)

Allowed subject to all just exceptions.

CM(M) No. 1009/2016

1. By the present petition, the petitioner seeks a direction to the Executing Court to issue of warrant of attachment keeping in view the fact that this court had directed payment of rent @ Rs.4,500/- per month from September, 2003 till the possession of the suit property.
2. The petitioner appearing in person has taken me through the orders dated 29.11.2015, 29.01.2016 and 29.03.2016 to emphasise that there is a needless confusion about the rent that would be payable by the respondent. He submits that the rate of rent is Rs.4500/- per month keeping in view the judgment of this court in RSA being No.381/2014 rendered on 06.01.2016.
3. On 29.03.2016 the Executing Court noted that on 29.01.2016 earlier the court had observed that rate of rent has to be considered @ Rs.1500/-

and in the order of the High Court in RSA 381/2014 cannot be relied upon.

4. A perusal of the orders dated 29.01.2016 and 29.11.2015 shows that for one reason or the other they have not taken note of the observations of the order dated 06.01.2016 passed by this court in RSA 381/2014. The relevant observations are follows:

“34. Having heard the appellant, who appeared in person and the learned senior counsel for the respondent and perused the entire record, I am of the considered view that the impugned judgment passed by the First Appellate Court, namely the Additional District Judge in RCA No.06/2014, insofar as it placed reliance on Ex.PW-1/D2, and on that basis, set aside the finding of the Trial Court that the rate of rent was Rs.4,500/- per month, and held that the rate of rent was Rs.1,500/- per month, is completely perverse and cannot be sustained.”

5. Keeping in view the above observations, the trial court may expeditiously deal with the execution petition. The present petition stands disposed of.

6. A copy of this order be given *dasti* under the signature of the court master to the petitioner.

JAYANT NATH, J.

OCTOBER 03, 2016/v