

\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CM(M) 1143/2015 and C.M. No.27758/2015 (stay)

SHEETAL MALIK

..... Petitioner

Through Petitioner with her counsel Mr. Mukesh
Gupta, Adv.

versus

NISHA TANDON & ANR

..... Respondent

Through Mr. M.L. Mahajan and Mr. Gaurav
Mahajan, Advs. for R-1
Mr. S.D. Ansari and Mr. I. Ahmad,
Advs. for R-2.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

18.01.2016

Order impugned before this Court is the order dated 20.10.2014 vide which the application filed by the petitioner/applicant under Order 1 Rule 10 of the CPC (seeking impleadment) had been allowed. She had been impleaded as a party and as a necessary corollary the Court had noted that since she is enjoying the property i.e. property bearing No. FGI/34-B, Ist Floor, DDA, LIG, Vikas Puri, New Delhi, the user charges of Rs.7,000/- per month to be paid by her. The petitioner/applicant is aggrieved by the said order.

Record shows that the suit property had been leased out by the landlord to Aman Malik (the husband of the petitioner/applicant). There were inter-se disputes between the parties and as per the written statement filed by the husband, he had admitted that he was the original

lessee of the property but since the last 1- ½ years i.e. w.e.f. September, 2012, he had left the premises because of estranged relationship with his wife and his wife was enjoying the property.

In the course of these proceedings, the present application came to be filed by the wife who had sought impleadment; admitted position being that she was living in the property but the user charges were to be paid by her husband.

The landlord cannot be made a pawn in these inter-se proceedings between the husband and the wife; the inter-se dispute between the husband and the wife is being looked after by the competent Court in proceedings under the Domestic Violence Act and the plea made by learned counsel appearing for the wife that the husband should be made to pay the user charges will no doubt be addressed by the concerned Court.

The petitioner/applicant/wife is admittedly enjoying the said property. This is an admitted fact. The Trial Court directing the user charges to be paid by the wife to the landlord in this background suffers from no infirmity.

This petition is without any merit. Dismissed.

INDERMEET KAUR, J

JANUARY 18, 2016

A