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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 1206/2015
RASHID JUNG

..... Petitioner

Through Mr.Wasim Asharaf, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through Mr.Anurag Ahluwalia, CGSC for UOI.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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09.02.2016

Order impugned before this Court is the order dated 19.02.2015 vide which the right to claim damages/mesne profits after the termination of the tenancy qua the tenant/respondent had been kept alive but the right of the plaintiff who had sought damages/mesne profits prior to the period of termination of tenancy was rejected and rightly so. The petitioner is entitled to damages/mesne profits after the date of termination of tenancy which will be viewed in terms of the provisions of Order XX Rule 12 of the CPC. His right to claim damages/mesne profits where there was an agreed rate of rent and prior to termination of tenancy (which in this case was in 2012) did not survive. This was rightly noted by the Trial judge. The suit property stands vacated in October, 2015.

Reliance by the learned counsel for the petitioner upon a

judgment of this Court reported as Ashok Chopra & Ors.Vs. Syndicate Bank & Anr. is misplaced. This was a case where the tenancy was terminated by efflux of time. The petition is without any merit. It is dismissed with costs of Rs.10,000/-.

INDERMEET KAUR, J

FEBRUARY 09, 2016
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