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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 877/2017 & CM No.29310/2017 (for stay)
RAJWANTI PHOUGAT Petitioner

Through: Mr. C.S. Parasher, Adv.

Versus

GIAN CHAND SETHI Respondent

Through: Mr. Abhishek Kukkar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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06.11.2017

1. This order is in continuation of earlier orders dated 18th August, 2017, 14th September, 2017 and 26th September, 2017.
2. Upon hearing the counsels and on perusing the pleadings in the suit from which this petition arises, it is found that the suit is not as between a landlord and tenant, as was represented by the counsel for the petitioner / defendant on the first date of hearing i.e. 18th August, 2017 but has been filed by the respondent / plaintiff against the petitioner / defendant claiming the petitioner / defendant to be a licensee under the respondent / plaintiff.
3. The counsel for the petitioner / defendant states that the order dated 14th September, 2017 has been complied with by deposit of Rs.1,56,600/- in this Court.
4. I have already in order dated 18th August, 2017 opined on the merit of the challenge and in terms thereof, the petition has been dismissed.
5. The counsel for the petitioner / defendant states that the petitioner / defendant was vide the impugned order granted an opportunity to cross-examine the witness of the respondent / plaintiff.

6. It is informed that in pursuance thereto the said witness has not been cross-examined till now.
7. On further enquiry, it is informed that the suit is listed next before the Trial Court on 21st November, 2017.
8. The witness of the respondent / plaintiff to appear before the Trial Court on 21st November, 2017 for the purpose of cross-examination in terms of orders dated 3rd June, 2016 and 7th June, 2017.
9. As far as the amounts deposited in this Court are concerned, the same be kept in a maximum interest bearing deposit and the parties may, at the time of disposal of the suit, seek directions from the Suit Court qua release thereof.
10. The petitioner / defendant to, during the pendency of the suit, continue to deposit in the Suit Court a sum of Rs.1,800/- per month, month by month, in advance for each month, by the 10th day of the month.

The petition is disposed of.

No costs.

RAJIV SAHAI ENDLAW, J

NOVEMBER 06, 2017

‘gsr’..