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

+ **FAO(OS) 195/2018 & CM. Nos. 53592/2018, 53593/2018,
53594/2018 and 53595/2018**

BACHITTAR SINGH Appellant

Through: **Ms. Ruchika Mittal, Adv. (Panel
counsel of DHCLSC)**

versus

GURDIAL SINGH & ANR

..... Respondents

Through:

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **19.12.2018**

CM. No. 53595/2018 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

CM. No. 53593/2018 (for delay)

This is an application filed by the applicant / appellant seeking condonation of 25 days delay in filing the appeal. For the reasons stated in the application, delay of 25 days in filing the appeal is condoned.

Application stands disposed of.

CM. No. 53594/2018 (for delay)

This is an application filed by the applicant / appellant seeking

condonation of 52 days delay in re-filing the appeal. For the reasons stated in the application, delay of 25 days in re-filing the appeal is condoned.

Application stands disposed of.

FAO(OS) 195/2018

The present Intra-Court Appeal has been filed by the appellant challenging the order dated 16th August, 2018 passed by the learned Single Judge whereby the learned Single Judge while considering the application being IA 6440/2018 of the defendant no.1 (respondent no.1 herein) to let out 1/3rd portion of the suit property in his possession has allowed the same, but with certain conditions inasmuch as defendant no.1 (respondent no.1 herein) after letting out the portion of the suit property in his possession, is required to file on record the lease deed within 15 days of the execution of the same. The defendant no.1 (respondent no.1 herein) is further directed to file the statement of rent on affidavit in every six months from the date of execution of the deed. It is also stated, that in the event, the plaintiff and / or respondent no.2 succeed in their claim for rent, defendant no.1 shall be liable to comply with the adjudication of the claim in respect of the rent.

The only submission made by the learned counsel for the appellant is that based on this order, defendant no.1 is filing applications and thereby delaying the suit.

We are not impressed with the submission of the learned counsel for the appellant for the reason, the appellant has no grievance with the order passed and even if any application is filed by the defendant no.1 (respondent no.1) with a motive to delay the suit, it is for the appellant to contest the said application rather than challenging the order dated 16th August, 2018.

The appeal is dismissed.

CM. No. 53592/2018 (for stay)

Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 19, 2018/jg