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

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Decided on: 21st September, 2020

+ LPA 260/2020

MASTER YASHVIR SINGH CHAUHAN & ORS. Appellants

Through: Mr.Khagesh B.Jha, Adv.

Versus

BAL BHARATI PUBLIC SCHOOL ROHINI & ORS ... Respondents

Through: Mr.Kamal Gupta, Adv. for R-1.

Mr.Gautam Narayan, ASC with Ms.Dacchita
Shahi, Mr.Adithya Nair, Advs. for R-3/GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

Proceedings in the matter have been conducted through video conferencing.

C.M.No.23361/2020 (exemptions)

Allowed, subject to all just exceptions.

LPA 260/2020

1. This Letters Patent Appeal has been preferred by the original petitioners being aggrieved and feeling dissatisfied by the interim order dated 7th September, 2020 (Annexure AA to the memo of this LPA) passed by the learned Single Judge in W.P.(C) 6053/2020, whereby the learned Single Judge has made an arrangement to the effect that out of the total outstanding amount, which is tentative in nature, 50% is required to be paid by these petitioners.

2. Learned counsel for the appellant submitted that the appellants (original petitioners) have paid school fees in excess of the amount legally payable to the respondent no. 1/school management.

3. Learned counsel for the respondent no. 1/School Management submitted that they are charging the fee in accordance with law. He further submitted that the arrears of school fee have already been mentioned in paragraph 15 of the impugned order. This calculation of the arrears is as per the respondent/School Management.

4. Thus, it appears that this LPA has been preferred against an interim order passed by learned Single Judge whereby interim arrangement has been made and the final amount of arrears and final amount of fees to be payable per month is yet to be finally decided by the learned Single Judge.

5. For ready reference, paragraph 15 of the impugned order dated 7th September, 2020 in W.P.(C) 6053/2020, reads as under:

“15. I may only note that the learned senior counsel for respondent No.1/School has pointed out that the approximate outstanding dues of petitioner No.1 and petitioner No. 2 are Rs.48,000/- each and the approximate outstanding dues of petitioner No.3 are Rs.16,000/-. For the time being, subject to further orders of this court, let petitioners No.1 and 2 deposit a sum of Rs.24,000/- each and petitioner No.3 deposit a sum of Rs.8,000/- towards the arrears of the fee bills of the petitioners. In case these amounts are deposited within three weeks from today, no coercive steps shall be taken by respondent No.1/School against the petitioners for the alleged previous dues payable by the petitioners.”

6. Thus, it appears that, as an interim relief, a via media has been found by the learned Single Judge that till the final amount of arrears and final amount of fees to be payable per month are decided in W.P.(C) 6053/2020,

the appellants (original petitioners) have to deposit 50% of the total outstanding amount claimed by the school management, i.e., ₹24,000/- each for original petitioner Nos.1 and 2 and ₹8,000/- for original petitioner No.3 towards the arrears of the fee bills.

7. Having heard learned counsel for both the sides and looking to the order passed by the learned Single Judge, we find that a very reasonable and balanced order has been passed by the learned Single Judge. We see no reason to entertain this appeal as no error has been committed by the learned Single Judge in balancing the interests of the parties by directing payment of 50% of the arrears/outstanding amount claimed by the school management.

8. Needless to say, the aforesaid deposits by these appellants (original petitioners) shall be without prejudice to their rights and contentions, and the observations in the impugned order are tentative in nature, only for the purpose of the interim arrangement. The payment of any such amount will not tantamount to any admission by these appellants (original petitioners).

9. In view of the above, we see no reason to interfere with the interim order of the learned Single Judge, passed in a pending writ petition and accordingly, this appeal is dismissed with the above observations.

CHIEF JUSTICE

PRATEEK JALAN, J

SEPTEMBER 21, 2020/ 'anb'