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

% Judgment delivered on: 22.12.2022

+ CM(M) 1453/2022, CM APPL. 55938/2022 & CM APPL. 55939/2022

SUCHIT PRASAD JAIN

..... Petitioner

versus

NEERAJ PURI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Rakesh Agrawal, Advocate.

For the Respondent : Mr. Chandra Gupta, Advocate with Mr. Rajiv Puri in person.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. With the consent of parties, the present petition is taken up for disposal.
2. After some hearing and with the consent of the learned counsel for the parties, this Court is of the opinion that interests of justice would be sub-served if the impugned order dated 01.10.2022 is modified.
3. As per the impugned order, the petitioner was directed to deposit the arrears arising up till that date. Both the counsel have consented that

the petitioner be directed to deposit the rent and the arrears of the rent @ 3200 Sq. ft. for the demised premises before the learned Trial Court. Out of this, Respondent landlord would be entitled to the agreed rent and its arrears @ 2498.37 Sq. ft. and withdraw the same. The balance amount would be retained by the learned Trial Court to be disbursed to the party, which is found entitled to, as per the final judgment to be passed by the Trial Court.

4. The aforesaid modification is without prejudice to the rights and contentions of either of the parties, who shall be entitled to raise all contentions before the learned Trial Court, which is yet to decide the lis.

5. Mr. Agrawal, learned counsel appearing for the petitioner submits that the future rent would be deposited by the petitioner @ 3200 Sq. ft., on regular basis. It is also directed, that out of the future rent, the respondent landlord would be entitled to withdraw at the aforesaid rate of 2498.37 Sq. ft.

6. Deposit, as directed above be made within thirty days from today. Interest, if any, would be ascertained by the learned Trial Court during trial.

7. In view of the consent, the impugned order dated 01.10.2022 stands modified, as above. Nothing remains to be decided by this Court. Petition stands disposed of in the above terms.

8. The learned Trial Court may continue its proceedings.

TUSHAR RAO GEDELA, J .

DECEMBER 22, 2022/nd