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

Date of decision: 12.09.2023

+ CM(M) 50/2023 & CM APPL. 1618/2023

RAJENDER KUMAR Petitioner

Through: Mr. Mohammad Sajid, Advocate
alongwith Petitioner in person

versus

SUDERSHAN RAWLA Respondent

Through: Mr. P.K. Rawal, Mr. Tarun Agarwal
and Mr. Rishabh Sharma, Advocates

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. The present petition filed under Article 227 of the Constitution of India impugns the orders dated 12.12.2022 and 18.07.2022 passed by the District Judge, West District, Tis Hazari Courts, Delhi ('Trial Court') in Civil Suit No. 181/2019 titled as "**Sudershani Rawla v. Rajender Kumar**" whereby, the Trial Court had dismissed the application filed by the Petitioner under Order IX Rule 7 of Code of Civil Procedure, 1908.

2. The Petitioner is present in person. The learned counsel for the Petitioner state on instructions that the Petitioner is ready and willing to make the payment of Rs. 50,000/- to the Respondent in full and final settlement for the arrears of rent.

2.1. He states on instructions that the payment of Rs. 50,000/- will be paid



in five (5) equal instalments of Rs. 10,000/- each; and the first instalment will be paid on 13.09.2023 followed by subsequent instalments on 13.10.2023, 13.11.2023, 13.12.2023 and 13.01.2024.

2.2. He states that the first instalment will be made by the Petitioner before the Trial Court on 13.09.2023 and the subsequent payments will be made directly into the Bank account of the Respondent

3. The learned counsel for the Respondent states that the principal amount due and payable is Rs. 2,14,000/- approximately.

3.1. He states that he apprehends that the statement made by the Petitioner before the Court today will not be honoured.

3.2. He states however, with a view to put a quietus to the said issue, he is willing to accept this proposal, subject to the Petitioner duly adhering to the instalments failing which the Respondent will adjust all payments received in pursuance to this order towards the principal amount due of Rs. 2,14,000/- and reserves his right to seek recovery of the entire amount of Rs. 2,14,000/, in case of default.

3.3. He states details of the bank account will be provided by the counsel for the Respondent to the Petitioner before the Trial Court on 13.09.2023.

4. In response, the learned counsel for the Petitioner on instructions states that the aforesaid conditions proposed by Respondent is agreeable to the Petitioner.

4.1. He states that he will file an undertaking to the effect of the statement made today before the Trial Court on 13.09.2023.

5. The Petitioner, who is present in Court has been explained the proceedings recorded today in vernacular and he accepts the terms and conditions.



6. The statement of the parties made before this Court is taken on record and the parties are bound down to the same.
7. The Trial Court is requested to fix the matter before it after 13.01.2024 to verify the compliance of the Petitioner's statement made today, failing which, the Respondent will be at liberty to avail his remedies for recovery of the outstanding principal amount of Rs. 2,14,000/- after adjusting payments, if any, received from the Petitioner.
8. With the aforesaid directions, the present petition is disposed of. Pending applications, if any, stands disposed of.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 12, 2023/rhc/asb

Click here to check corrigendum, if any