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

Date of decision: 14.12.2023

+ CM(M) 1949/2023, CM APPL. 61065/2023 (stay), CM APPL. 61066/2023 (Exmp.) & CM APPL. 61067/2023 (Exmp.)

RAKESH KUMAR SAHNI

..... Petitioner

Through: Mr. Sandeep Tyagi and Mr. Manoj Kumar Tyagi, Advs.

versus

M/S INDIRA LODGING PVT LTD

..... Respondent

Through: Mr. B.K. Singh and Ms. Niharika, Advs.

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

CM APPL. 61066/2023 & CM APPL. 61067/2023

1. Exemption allowed, subject to all just exceptions.
2. Applications stand disposed of.

CM(M) 1949/2023 & CM APPL. 61065/2023 (stay)

3. This petition filed under Article 227 of Constitution of India impugns the order dated 16.05.2023 passed by the ADJ-07, Central District, Tis Hazari Courts, Delhi ('Trial Court') in suit no. 148/2022, titled as '**M/s Indira Lodging Pvt. Ltd. v. Sh. Rakesh Kumar Sahni**' whereby the Trial Court allowed the Respondent's applications filed under (i) Order XV-A and (ii) Order XXXIX Rule 10 of Code of Civil Procedure, 1908 ('CPC').
- 3.1. The Petitioner is the defendant and the Respondent is the plaintiff in the civil suit.
- 3.2. The civil suit has been filed for recovery of possession, arrears of rent,



mesne profit and injunction.

4. The Petitioner is present in person.
5. After some arguments, learned counsel on instructions states that the Petitioner be permitted to withdraw this petition and prays for extension of time, to clear the arrears of rent as well as use and occupation charges as directed to be paid by the Trial Court vide impugned order.
6. The parties have filed before this Court a joint computation which reflects that as per the order of the Trial Court, a sum of Rs. 4,37,000/- has become due and payable as on 31.12.2023. The Petitioner has deposited a sum of Rs. 40,000/- before the Trial Court and, therefore, a sum of Rs. 3,97,000/- is payable as on 31.12.2023.
7. The petitioner seeks permission to deposit the aforesaid outstanding amount of Rs. 3,97,000/- in five (5) instalments.
8. The said request of the Petitioner is accepted and the Petitioner is directed to deposit the aforesaid amount of Rs. 3,97,000/- in five (5) equal monthly instalments payable on the fourth (4th) day of each English Calendar month starting from 04.01.2024 and the final instalment being payable on 04.05.2024. The first four (4) instalment shall be of Rs. 80,000/- each and the 5th instalment will be for a sum of Rs. 77,000/-.
9. In addition, the Petitioner will continue to deposit monthly use and occupation charges at Rs. 10,000/- on or before 7th day of each English calendar w.e.f. 07.01.2024 as directed by the Trial Court vide impugned order dated 16.05.2023.
10. It is made clear that if the Petitioner defaults in making payment of any instalment and/or the current use and occupation charges, the leave granted by this Court to make payment of the outstanding amount in instalments shall



stand automatically revoked; and the Trial Court will be at liberty to proceed with the show cause notice issued vide order dated 27.10.2023.

11. With the aforesaid directions, the present petition is disposed of.
12. Pending applications stands disposed of.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 14, 2023/akc/aa

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