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

+ **FAO(OS) 149/2024, CM APPL. 61567/2024, CM APPL. 61568/2024
& CM APPL. 61569/2024**

RAMAN ARORA & ANR

.....Appellants

Through: **Mr. Lovkesh Sawhney, Sr. Advocate
with Mr. Hari Kishan and Mr. Rohit
Kumar, Advocates**

versus

SHRI MOHAN LAL THAKUR & ORS

.....Respondents

Through: **Mr. Anunaya Mehta, Ms. Inderjeet
Saroop and Mr. Raghav Saroop,
Advocates**

(42)

+ **FAO(OS) 150/2024, CM APPL. 61570/2024, CM APPL. 61571/2024
& CM APPL. 61572/2024**

RAMAN ARORA & ANR

.....Appellants

Through: **Mr. Lovkesh Sawhney, Sr. Advocate
with Mr. Hari Kishan and Mr. Rohit
Kumar, Advocates**

versus

MOHAN LAL THAKUR & ORS

.....Respondents

Through: **Mr. Anunaya Mehta, Ms. Inderjeet
Saroop and Mr. Raghav Saroop,
Advocates**

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA



ORDER
21.10.2024

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1. The present appeals have been filed challenging the order dated 16th May, 2024 in CS(OS) 88/2021 and CS(OS) 89/2021. The underlying suits pertain to partition of the properties bearing Shop No.1, First Floor, Sector-C, Pocket-1, CSC, Vasant Kunj, New Delhi and Shop No.2, Ground Floor, Sector-C, Pocket-1, CSC, Vasant Kunj, New Delhi.
2. The learned Single Judge, while referring to the IAs bearing IA No. 13605/2021 and 13604/2021 filed by the respondent No.1 (plaintiff therein) under Order XII Rule 6 of the Code of Civil Procedure, in the underlying suits, had stated that the appellants (defendants therein) had continued to enjoy the subject properties without paying any monthly charges and had been seeking repeated adjournments owing to which the aforesaid IAs were not being heard. The learned Single Judge had directed the appellants herein to pay the occupation charges for 50% of the subject properties, i.e., a payment of INR 1,00,000 per month to the respondents herein towards use and occupation charges of both the subject properties.
3. After some arguments, learned senior counsel for the appellants states that the appellants shall comply with the impugned order within four weeks provided it is clarified that the aforesaid amounts shall be deposited with the Registry of this Court and further that the deposits shall have to be made till the disposal of the application under Order XII Rule 6 CPC only and the money so deposited shall not be released to the respondents/plaintiffs.
4. Learned counsel for the respondents/plaintiffs is agreeable to the aforesaid arrangement. He states that the respondents/plaintiffs shall file an application under Order XXXIX Rule 10 of CPC and Order XVA within



two weeks.

5. The said statements are taken on record and the parties are held bound by the same. It is clarified that the arrangement shall continue till the disposal of the application under Order XII Rule 6 CPC or as directed by the learned Single Judge. Recording the aforesaid arrangement, the present appeals are disposed of. The rights and contentions of all the parties are left open.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 21, 2024
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