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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(OS) 65/2024, CM APPL. 69929/2024-Exp, CM APPL.
69930/2024-Stay

CENTRE FOR RAILWAY INFORMATION (CRIS)Appellant

Through: Mr. Chandan Kumar and Mr. Vikram
Sharma, Advocates

versus

SHIVANI SHARMA AND ANOTHERRespondents

Through: Mr Murari Tiwari, Ms. Payal Dhupar,
Ms. Nimisha Gupta, Mr. Ujjwal
Singh, Mr. Rameshwar Prasad
Sharma, Advocates for Respondent
no.1 with respondent no.1 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

29.11.2024

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1. The present appeal under Section 96 read with Order XLI rule 1 and Section 151 of the Code of Civil Procedure, 1908 (CPC) read with Section 10 of the Delhi High Court Act, 1966 seeks to assail the impugned order dated 24.10.2024 passed by the learned Single Judge in CS(OS) 132/2023. Vide the impugned order, the learned Single Judge while considering the suit preferred by the respondent no.1/ lessor seeking possession of the leased premises alongwith arrears of rent and mesne profits, has directed the appellant/ defendant no.1 to deposit the arrears of rent w.e.f. 01.09.2022, within a period of four weeks.
2. At the outset, we have put to the learned counsel for the appellant as



to how the present appeal would be maintainable. He seeks to contend that the impugned order has all trappings of a final order as the directions issued to the appellant to deposit the amount towards arrears of rent will not only cause grave financial hardship to the appellant but also compel the appellant to continue depositing monthly rent during the pendency of the suit.

3. Having considered the submissions of the learned counsel for the appellant and perused the impugned order, we are unable to accept the appellant's plea that the directions issued by the learned Single Judge to the appellant to deposit arrears of rent with the learned Registrar General of this Court, would fall within the ambit of a final order, amiable to challenge by way of an appeal under Order XLI Rule 1 of the CPC. We are, therefore, of the view that the appeal, alongwith the pending applications, is not maintainable and is accordingly, dismissed as not maintainable.

4. However, learned counsel for the respondent no.1 who appears on advance notice, submits that in case the appellant deposits the rent in terms of the impugned order, the respondent no.1 will have no objection to the appellant approaching the learned Single Judge for recalling the order directing the Additional Registrar of the appellant to remain present in Court.

5. In light of the aforesaid, even though the appeal is dismissed as not maintainable, in the peculiar circumstances of the present case, we make it clear that the appellant will be at liberty to move an application seeking recall the direction for the personal appearance of its Additional Registrar, which application, we are hopeful will be considered by the learned Single Judge by taking into account the stand of the respondent no.1 noted hereinabove. We also request the learned Single Judge to make an endeavor



to decide the suit expeditiously without giving any undue adjournment(s) to any party.

6. The appeal, alongwith the pending applications, is accordingly, dismissed.

REKHA PALLI, J

SAURABH BANERJEE, J

NOVEMBER 29, 2024/So