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

+ **FAO (COMM) 6/2024**

**MRS. SWARAN MAKKAR (DECEASED) THROUGH LR. MR.
SATYA PAL MAKKAR**Appellant

Through: Counsel (appearance not given)

versus

MR. BALJIT SINGH & ORS.Respondents

Through: Mr. Preet Pal Singh, Ms. Tanupreet
Kaur and Mr. Yash Saini, Advs
alongwith R-2 in person

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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07.02.2025

1. The present appeal under Section 13(1A) of the Commercial Courts Act, 2015 seeks to assail the order dated 01.12.2023 passed by the learned District Judge (Commercial Court)-03, Central District, Tis Hazari Courts, New Delhi ('learned Trial Court') in CS(COMM) No. 900/ 2023.
2. Vide the impugned order the learned Trial Court has allowed the application preferred by the appellant under Order XVA of the Code of Civil Procedure, 1908 by directing the defendants/ respondents to pay the current monthly rent at the rate of Rs.3600/- per month.
3. We have heard the learned counsel for the appellant at great length.
4. After some arguments, the respondent no.2, who is present in Court and claims to be authorized to make the statements on behalf of the



respondent nos. 1, 3 and 4 as well, submits that in order to bring a quietus to the matter, and without prejudice to his rights and contentions in the ongoing proceedings before the learned Trial Court, he will, w.e.f. 01.02.2025, pay a monthly sum of Rs.75,000/- towards user/ occupation charges and mesne profits, which amount will be paid to the appellant on or before the 10th day of every month.

5. Learned counsel for the respondent no.2, however, prays that the time period for paying the said user/ occupation charges and mesne profits, for the month of February, be extended till 20.02.2025.

6. In the light of the above, learned counsel for the appellant submits that though he does not press the appeal any further, the undertaking of respondent no.2, on his behalf as also on behalf of the respondent nos. 1, 3 and 4, be taken on record.

7. The appeal is, accordingly, disposed of by setting aside the impugned order and directing that as per the statement made by the respondent no. 2 which, as noted hereinabove, has also been made on behalf of the respondent no.1, 3 and 4, the respondents will, w.e.f. 01.02.2025, pay a monthly sum of Rs.75,000/- as user/ occupation charges and mesne profits, which amount will be paid to the appellant on or before the 10th day of every month. The respondents will however, as prayed for, be permitted to make the payment of Rs.75,000/- for the month of February 2025 by 20.02.2025. Affidavits in this regard will be filed by all the respondents within one week from today.

8. While allowing the appeal in the aforesaid terms, it is made clear that in case the respondent fails to comply with his undertaking as noted hereinabove, it will be open for the appellant to not only initiate appropriate



proceedings to seek recovery of the said amount from the respondents, but also to initiate proceedings against them under the Contempt of Courts Act, 1971 as per law.

9. The present appeal is disposed of with the above directions.

REKHA PALLI, J

SAURABH BANERJEE, J

FEBRUARY 7, 2025/Ab