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

\+ CM(M) 518/2025 & CM APPL. 16271/2025

M/S ATMA RAM BUILDERS P LTD .....Petitioner

Through: Mr. Amit Sethi, Ms. Ekadhana Sethi and Mr. Rishabh Sharma, Advs.

versus

M/S EMBASSY RESTAURANT AND ANR .....Respondents

Through: Mr. Ilesh Shukla and Mr. Chetan Sharma, Advs.

**CORAM:**
**HON'BLE MR. JUSTICE MANOJ JAIN**

**O R D E R**

% **20.03.2025**

**CM APPL. 16272/2025 (Exemption)**

Exemption allowed subject to all just exceptions.

Application stands disposed of.

**CM(M) 518/2025 & CM APPL. 16271/2025**

1. The petitioner has filed a suit against the respondents herein seeking possession of the tenanted premises and mesne profits.

2. After the defence evidence was closed on 13.03.2020, the petitioner i.e. plaintiff moved an application under Order XVIII Rule 17 read with Section 151 CPC and sought permission to place on record certain documents related to House Tax and also made an alternative prayer that else he may be permitted to put certain further questions pertaining to such documents to DW1.

3. Such application has been dismissed by the learned Trial Court and such order dated 11.07.2024 is under challenge herein.

4. The suit in question is already at the stage of final arguments.

5. It may be noted that when the said case was taken up by the learned Trial Court, earlier, on 11.03.2016, the following issues were framed:-

> *"1. Whether suit is hit by Section 50 of Delhi Rent Control Act, 1958? OP Parties.*
>
> *2. Whether plaintiff had admitted in the past that the Property Tax is not part of the rent being paid by the defendant to the plaintiff? OPD.*
>
> *3. Whether the plaintiff is well within its rights to include the Property Tax as the rent of the suit property by invoking Section 67 of NDMC Act, 1994 apart from New Delhi Municipal Council Determination by Annual Rent Bylaws 2009? OPP.*
>
> *4. Whether this petition hit by res judicata? OPP.*
>
> *5. Whether plaintiff is entitled to recovery of possession of suit property le Property No. 11-D, D Block, Connaught Place, New Delhi where defendant is running a Embassy Restaurant which is admeasuring 232.25 Sq.m shown in red in the site Plan? OPP.*
>
> *6. Whether plaintiff is entitled to decree of mesne profit Rs.1,000/- per Sq.f per month from the date of filing of the suit till the date of actual vacation and is also entitled to receive Rs.5,83,333/- as mesne profit for the week le 1.10.2014 to 07.10.2014? OPP.*
>
> *7. Relief."*

6. The question involved is whether house tax component is part of the rent or not. The plaintiff wanted to place on record certain record pertaining to House Tax which request has been declined.

7. After hearing arguments for some time, learned counsel for the petitioner/plaintiff submits that he would not press the present petition in case it is observed by this court that the learned Trial Court would decide the suit without getting prejudiced to the observations appearing in the impugned order.

8. Learned counsel for the respondents appear on advance notice.

9. This Court has already taken note of the issues framed by the learned

Trial Court and since the defence evidence was closed way back in the year 2020, it is even otherwise important to ensure that the suit is decided without any further delay.

10. Be that as it may, in view of the above statement made by Mr. Amit Sethi, learned counsel for the petitioner and also after taking into account, the various aspects of the case, the present petition is disposed of as not pressed with the observation that the learned Trial Court shall decide the above said suit, without getting prejudiced by the observations appearing in the above said order dated 11.07.2024.

11. The present petition, along with all pending applications, if any, stands disposed of.

**MANOJ JAIN, J**

**MARCH 20, 2025/**PU/ shs