

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2745 OF 2020  
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 5679 of 2020)

RAJESH ANAND . . . APPELLANT(S)

VERSUS

RAHUL WADHWANI & ANR. . . RESPONDENT(S)

WITH

CIVIL APPEAL NO. 2746 OF 2020  
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 7544 OF 2020)

O R D E R

Leave granted.

2. Being aggrieved by the final order dated 05.12.2019 passed by the High Court of Delhi at New Delhi in CM (M) No. 1375 of 2018 in and by which the High Court has directed the defendants to pay a sum of Rs. 1,50,000/- (Rupees one lakh fifty thousand) on or before the 10<sup>th</sup> of every month beginning from December, 2019 in order to enjoy the possession of the suit property. Being aggrieved, the appellant-plaintiff has filed the appeal arising out of SLP(C)No. 5679 of 2020 before this Court. The defendant-tenant(s) has also filed the appeal arising out of SLP(C)No. 7544 of 2020.

3. The appellant-plaintiff has purchased the suit property by a Sale deed dated 07.09.2015 from one Pushpa Kapoor, the erstwhile owner of the suit property. The plaintiff has filed the suit for eviction and recovery of the possession against the defendants. In the Trial Court, the landlord has filed the

application seeking direction for deposit of rent which was dismissed by the Trial Court. Being aggrieved, the plaintiff has filed the appeal before the High Court. The High Court has partly allowed the appeal and directed the defendants to pay the amount of Rs. 1,50,000/- (Rupees one lakh fifty thousand) on or before the 10<sup>th</sup> of every month, beginning from December, 2019 in order to enjoy possession of the suit property as noted earlier.

4. The property is shop bearing No. 6 (Private No. 6A) adjoining Shop No. 5, Central Market, Lajpat Nagar, New Delhi, which is an area of 264 sq.feet. The suit for Eviction being Suit No. 8259 of 2016 is still pending before the Trial Court. The defendants have also filed an application taking the plea of adverse possession that issue can be decided only when the parties adduce oral and documentary evidence during the trial.

5. We have heard Mr. S.K. Sharma, learned counsel appearing on behalf of the appellant-plaintiff as well as Mr. Manoj Swarup, learned senior counsel appearing on behalf of the respondents-defendants.

6. Considering the facts and circumstances of the case and the extent of area of the shop which is in possession of the defendants, as an interim arrangement, we direct the defendants to pay a sum of Rs. 1,00,000/- (Rupees one lakh) per month as damages for use and occupation of the property from 07.09.2015 i.e. the date of purchase of the property by the appellant/plaintiff. The arrears of the amount from 07.09.2015 to 30.06.2020 be paid in six equal instalments within a period

of six months. The first instalment of the arrears be paid on or before 10.08.2020 and the second installment be paid on or before 10.09.2020 and so on. Additionally, the defendants shall also pay the amount of Rs. 1,00,000/- (Rupees one lakh) as the amount for use and occupation of the property till the suit is finally decided between the parties by the Trial Court. The amount of Rs.1,00,000/- (Rupees one lakh) is payable on or before the 7<sup>th</sup> day of every succeeding English calendar month commencing from 01.07.2020.

7. The above order is passed as an interim arrangement between the parties without prejudice to the contentions of both the parties. All the contentions raised by the parties are left open to be decided by the Trial Court. The Trial Court is directed to decide the suit as expeditiously as possible preferably by the end of December, 2020. The Trial Court shall decide the matter without being influenced by any of the views expressed by the High Court in the impugned order. Both the parties are directed to co-operate with the early disposal of the trial.

8. The appeals are, accordingly, disposed of.

..... J.  
[R. BANUMATHI]

..... J.  
[ S. ABDUL NAZEER]

NEW DELHI  
14TH JULY, 2020

..... J.  
[AJAY RASTOGI]

ITEM NO.8

Virtual Court 5

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 5679/2020  
(Arising out of impugned final judgment and order dated 05-12-2019  
in CMM No. 1375/2018 passed by the High Court Of Delhi At New  
Delhi)

RAJESH ANAND

Petitioner(s)

VERSUS

RAHUL WADHWANI & ANR.  
WITH

Respondent(s)

SLP(C) No. 7544/2020 (XIV)

(FOR ADMISSION and I.R. and IA No.54653/2020-PERMISSION TO FILE  
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-07-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. S.K. Sharma, Adv.  
in SLP(C)No.5679/20 Mr. Krishan Kumar, Adv.  
& Respt. In  
SC No. 7544 of 2020

For Respondent(s) Mr. Manoj Swarup, Sr. Adv.  
In SC 5679/2020 Mr. Amrendra Kumar Mehta, AOR  
& Pet. In SC 7544/20 Mr. Neelmani Pant, Adv.  
Ms. Vidisha Swarup, Adv.  
Ms. Pallavi Daem, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.  
Pending application(s), if any, shall also stand disposed

of.

(MADHU BALA)  
AR-CUM-PS

(BEENA JOLLY)  
BRANCH OFFICER

(Signed order is placed on the file)