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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 650/2025 & CM APPL. 20580-20581/2025
M/S LORDS MARK INDUSTRIES PVT LTD & ORS.Petitioner
Through: Mr. Shafiq Khan, Mr. Tariq Muneer,
Mr. Chandan Saggi and Ms. Anjani
Suri, Advocates

versus

MRS KANTI SINGH & ORS.Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **09.04.2025**
CM APPL. 20581/2025 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 650/2025 & CM APPL. 20580/2025

1. Petitioner is defending a commercial suit which seeks possession and mesne profits etc.
2. During the pendency of the aforesaid suit, plaintiffs moved an application under Order XV-A Civil Procedure Code (CPC) and while allowing such application, learned Trial Court has directed the defendants (petitioners herein) to deposit arrears of admitted rent @ Rs. 1,58,100/- per month from November, 2019 till 29.05.2023 within a period of two months.
3. Such order is under challenge, herein.
4. The request in the present petition is two-fold.
5. Firstly, Order XV-A CPC, which provided direction for such deposit and consequences of default thereof, stands repealed and omitted, by implication, in view of the special amendment carried out under the Commercial Courts Act, 2015 and now, in place thereof, there is a separate



full-fledged Order XV-A which, merely, concerns *Case Management Hearing* in relation to a commercial dispute and does not envisage any such deposit. Secondly, the defendants were always willing to hand over the possession of the tenanted premises but for the reasons best known to the plaintiffs, they never accepted the keys thereof and in such a situation, the plaintiffs cannot legitimately seek arrears of rent for such period.

6. At the same time, while reserving their rights and contentions, learned counsel for petitioners submits that their clients are interested in finding an amicable solution of the matter and would not be averse to the idea of they being referred to mediation. He also submits that without prejudice to their rights, and in order to demonstrate their *bonafide*, they are even ready to deposit a sum of Rs. 25 lacs with the Registry of this Court within a period of four weeks from today.

7. None appears on behalf of the respondents despite advance service.

8. Issue notice to respondents through all permissible modes including *dasti*. Notice be also issued through counsel.

9. List on 23.05.2025.

10. The operation of impugned order shall remain stayed on petitioners herein depositing a sum of Rs. 25 lacs, within a period of four weeks from today, with the Registry of this Court. The learned Trial Court would be at liberty to proceed further with the matter in accordance with law, without insisting for such deposit.

11. As far as aspect related to non-applicability of Order XV-A CPC is concerned, though such contention does not seem to hold any water, fact remains that, certainly, misperception is there because of the fact that there are, now, two different Orders in CPC, *albeit*, bearing same number i.e



Order XV-A.

12. The one brought in existence by State amendment carried out by Delhi deals with “*striking off defence in suit by a lessor*” which is applicable to all kinds of suits, including a commercial suit. The other one created by Commercial Courts Act, 2015 deals with “*Case Management Hearing*” and is only meant for commercial suits. Both these Orders, though numbered as XV-A, work in different spheres. Evidently, since there is no conflict or overlapping between the two, section 16(3) Commercial Courts Act, 2015 does not stand attracted even and, therefore, they both can co-exist.

13. The remedial steps are, however, already underway as in a Full Court meeting of this Court held on 19th February, 2024, it has already been approved that Order XV-A titled “*Striking off Defence in a Suit by a Lessor*” be re-numbered as Order VIII-A and be placed after the existing Order VIII titled “*Written Statement, Set-off and Counter-claim*”.

14. Notification, to said effect, is still awaited.

15. Let copy of this order be sent to learned Registrar General with request to get the Notification expedited.

16. As prayed by learned counsel for petitioners, a copy of this order be also given *dasti* to him, under the signatures of the Court Master.

MANOJ JAIN, J

APRIL 9, 2025/dr/pb