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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of Decision: 14th July, 2025*

+ CM(M) 3661/2024 & CM APPL. 61682-61683/2024 & CM APPL.
70550/2024 & CM APPL. 10236-10237/2025
ANU MANGLANI

.....Petitioner

Through: Mr. Sushil K. Tekriwal and Dr. Mamta
Tekriwal, Advocates.

versus

SURESH ARORA & ANR.

.....Respondent

Through: Mr. S.C. Singhal, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which is commercial in nature.
2. Petitioner is aggrieved by the order passed by learned District Judge (Commercial Court) under Order XVA CPC.
3. This Court has gone through such impugned order dated 04.09.2024 and since the execution of lease deed in question was not in dispute, after hearing arguments from both the sides, the learned Trial Court allowed the abovesaid application and directed the petitioner herein to deposit rent @ Rs.3,60,000/- per month plus GST and other applicable taxes from 01.12.2023 within two months. There is also a direction to deposit future rent on monthly basis till the defendant remains in possession of the tenanted premises.
4. The Court has gone through the lease date dated 14.10.2021 which is a



registered one.

5. Admittedly, the abovesaid rent has already been deposited by the petitioner herein, till the present month.

6. The question whether the lease could have been terminated in the manner it has been, is subject matter of trial and has no bearing with respect to the impugned order passed under Order XVA CPC, particularly, keeping in mind the stand taken by the respective parties.

7. Whether the petitioner herein has made substantial improvements in the tenanted premises and was entitled to claim such amount is also subject matter of the trial which could not have delayed the decision on the abovesaid application under Order XVA CPC. More importantly, the petitioner herein has, already, lodged counter-claim and since, admittedly, the petitioner continues to use the tenanted premises, there no any error, illegality or perversity in the impugned order.

8. The petition is, accordingly, dismissed.

9. Learned counsel for petitioner, however, submits that, initially, the order was regarding deposit of rent in the Court but on the basis of one subsequent application moved by the plaintiff, the amount has been directed to be released in favour of the plaintiff *vide* order dated 11.02.2025.

10. He submits that his right to assail the abovesaid order may be left open.

11. Said order dated 11.02.2025 is not under challenge before this Court and, therefore, it will be open to petitioner to take recourse to action, as permissible under law, to challenge the abovesaid order.

12. During course of the arguments, learned counsel for the petitioner also informed that the plaintiff has moved an application under Order XII Rule 6 CPC, seeking judgment on admission.



13. He submits that the observations made in the impugned order are tentative in nature and the learned Trial Court may consider the abovesaid application in accordance with law, without getting influenced by any of the observations appearing in the impugned order.

14. Mr. Singhal, learned counsel for the respondent/plaintiff has also no qualm with respect to the abovesaid limited request. He, however submits that the abovesaid application could not be taken up by the learned Trial Court on account of pendency of the present petition and, since the present petition has been disposed of, the learned Trial Court may be requested to consider such application.

15. Accordingly, it is also clarified that, as and when, any such application moved under Order XII Rule 6 CPC is taken up by the Court and is decided, the learned Trial Court, it shall dispose of the same in accordance with law, without being influenced by the observations appearing in the impugned order.

16. The present petition is disposed of in aforesaid terms.

17. The pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

JULY 14, 2025/ss/pb