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

% *Date of Decision: 19th May, 2025*

+ CM(M) 924/2025, CM APPL. 30262/2025 & CM APPL. 30263/2025

M/S MN AUTOMOBILE PRIVATE LIMITEDPetitioner

Through: Mr. Sudeep Shrotriya and Mr. Prakhar
Singh, Advocates

versus

GURIQBAL SINGH & ANR.Respondent

Through: Mr. Varun Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defendant no. 1 before the learned Trial Court and *vide* order dated 19.11.2024, it was directed to deposit the entire arrears of rent within four weeks.
2. Such order was challenged by defendant no. 1 but was upheld by Division Bench of this Court on 20.01.2025 in *FAO (COMM) No. 20/2025*. While dismissing the appeal, however, on the basis of prayer made by learned counsel for appellant/petitioner herein, the time for depositing the arrears of rent was extended by learned Division Bench also for a further period of six weeks.
3. Things, however, did not stop here.
4. Despite asking and despite being granted time of six weeks, the petitioner filed a *Special Leave to Appeal* before the Hon'ble Supreme Court and the Hon'ble Supreme Court *vide* order dated 28.02.2025 dismissed such SLP. While dismissing SLP even Hon'ble Supreme Court extended the time to deposit the said amount upto 31.03.2025.
5. Instead of depositing the arrears, which are approximately to the tune of



Rs. 1 crore, defendant rather moved an application under Section 151 CPC and sought leave of the Court to rather present security, instead of depositing the aforesaid amount.

6. Such application filed under Section 151 CPC has been dismissed by learned Trial Court *vide* order dated 26.04.2025.

7. Such order is under challenge.

8. This Court has gone through the application which the petitioner herein had moved before learned Trial Court. Needless to say, the application is totally vague and unspecific. Defendant no. 1 merely sought permission for securing the amount by placing some security and its fixed assets with the equal amount but fact remains that along with the application, he did not disclose as to what kind of security and assets, he was offering *in lieu* thereof.

9. Along with the present petition, he has given details of some tangible assets which includes car, plant & machinery, furniture and office equipment etc.

10. It seems that petitioner has taken the things for granted.

11. When the order dated 19.11.2024 was challenged by it and the appeal was dismissed, learned counsel for petitioner/appellant himself had sought time to deposit the arrears of rent and despite extension of time, the rent was not deposited.

12. As already noticed above, even Hon'ble Supreme Court, while dismissing the SLP, had granted time to petitioner upto 31.03.2025 and instead of depositing the arrears, petitioner is rather trying to find out a way to defeat the aforesaid specific orders.

13. Question of attachment of assets may come for consideration when, eventually, there is a decree. The intention of the petitioner is to delay the



proceedings. To make things worse, it does not even describe or give details of any such alternate security before the learned Trial Court. Moreover, the security, now, offered by the petitioner is neither adequate nor sufficient. It does not secure the interest of the plaintiff in desired manner. Importantly, petitioner has no real option but to deposit the arrears of rent, in terms of the specific directions given by Hon'ble Supreme Court.

14. Viewed thus, this Court does not find any illegality or perversity in the impugned order dated 26.04.2025.

15. In view of the above, the present petition is dismissed.

16. All the pending applications are also disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

MAY 19, 2025/dr/shs