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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 21<sup>st</sup> July, 2025*

+ CM(M) 1280/2025& CM APPL. 42845/2025

RITA RIKH

.....Petitioner

Through: Mr. Rohit Bansal, Advocate.

versus

ARVIND KUMAR GAUTAM

.....Respondent

Through: None.

**CORAM:**

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

**J U D G M E N T (oral)**

1. Petitioner is plaintiff before learned Trial Court and is aggrieved by order dated 16.05.2025 whereby the learned Trial Court has declined to make any reference of contempt against the defendant for wilful disobedience of the directions recorded in order dated 12.10.2023.

2. Order dated 12.10.2023 reads as under:-

*“6 CS DJ ADJ 777/23*

*RITA RIKH*

*Vs.*

*ARVIND KUMAR GAUTAM*

*12.10.2023*

*Present: Sh. Rohit Bansal, Ld counsel for the plaintiff.*

*Sh. Abhimanyu Lall, Ld counsel for the defendant.*

*Sh. Abhimanyu Lall, advocate has filed the vakalatnama on behalf of defendant. Taken on record.*



Ld counsel for defendant has stated that he is ready to pay the decided rent agreed upon w.e.f. October 2023.

In view of the statement of Ld counsel for defendant at bar, the application filed by the plaintiff under Order XV-A CPC is hereby dismissed.

Complete set of paper book supplied to the defendant from the judicial record. WS be filed by defendant within the statutory period of 90 days from today with advance copy to the other party.

Ld counsel for defendant further submits that he will not alienate the suit property till NDOH.

In view of the statement of Ld counsel for defendant, the defendant is restrained hereby from non alienating the suit property till NDOH in the present civil suit. Application under Order XXXIX Rule 1 & 2 CPC stands disposed off accordingly.

Case adjourned to 19.07.2024.”

(emphasis supplied)

3. The grievance of the petitioner/plaintiff is to the effect that since the counsel for the defendant had shown his inclination to pay the decided rent, the plaintiff, on the basis of such assurance, did not pursue his application moved under Order XV-A CPC which was, eventually, dismissed by the learned Trial Court.
4. Apparently, the dismissal of said application is directly related to the assurance/willingness expressed by learned counsel for the defendant and, therefore, in case, there is non-deposit or non-payment of rent despite such assurance, ideally, the plaintiff should be permitted to seek revival of his application which he had moved under Order XV-A CPC.
5. During course of the arguments, learned counsel for the petitioner submitted that his application moved under Order XII Rule 6 CPC has already been allowed and the decree, so far, as it relates to possession, has already been passed.
6. The matter is now pending adjudication with respect to arrears of rent and *mesne profits*.



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7. Be that as it may, this Court is not inclined to interfere with the impugned order which does not disclose any illegality or perversity but at the same time, this Court grants liberty to the petitioner/plaintiff to seek revival of its application which she had moved under Order XV-A CPC.
8. The learned Trial Court would, accordingly, take response from the defendant with respect to the abovesaid application and would dispose of said application, in accordance with law.
9. Petition stands disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 21, 2025/sw/SS**