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

% *Date of Decision: 24th July, 2025*

+ CM(M) 1336/2025 & CM APPL. 44056/2025 & CM APPL.
44057/2025

DR SHAMBHUJIPetitioner

Through: Petitioner-in-person

versus

MANOJ KUMAR MANNRespondent

Through: Ms. Saumya Dwivedi, Advocate
(Through VC)

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by dismissal of his application moved under Order XV-A CPC.
2. By virtue of the aforesaid application, petitioner/plaintiff was seeking direction to defendant to deposit *arrears of rent*. He mentioned the total arrears which he was entitled to, without specifying as to from which date he was seeking such rent.
3. In his such application, he has also mentioned that defence of the defendant had been struck off, whereas, it was apprised to the learned Trial Court by the opposite side that such defence had already been restored.
4. There is also stated to be some confusion with respect to the date on which the tenanted premises were vacated and the possession was received by the plaintiff. According to defendant, the possession was handed over to the plaintiff in October, 2021 whereas according to the plaintiff, he has received



the possession in the year 2024 through *Bailiff* in the *Execution Petition* filed by him.

5. Confusion seems to have cropped up because the facts were not amply clarified by the plaintiff in his application.

6. Learned counsel for respondent/defendant has joined the proceedings on advance notice through *videoconferencing*.

7. After hearing both the parties, the present petition is disposed of with direction to plaintiff to move application afresh under Section XV-A CPC clarifying the entire facts appropriately and, if any such application is moved by him, learned Trial Court, after taking response from the respondent and without being influenced by its earlier order dated 10.03.2025, would decide the same in accordance with law.

8. It is, however, clarified that this Court has not made any observation, either way, with respect to the merits of the proposed application.

9. Pending application also stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 24, 2025/dr/shs