

In The Court of Shivali Sharma
Additional District Judge-03 (West)
Tis Hazari Courts, Delhi.

Suit No.CIV/DJ:


Harish Kumar Setia vs Manmohan Singh

THROUGH WEBEX VIDEO CONFRENCING

Date: 08.06.2020

Present: Shri Rajat Aneja and Shri Rishabh Jain counsels for plaintiff
(Mobile number: 9810727771)
(E-mail ID: raneja@anejaandaneja.com)
(Mobile number:9953624532)
(E-mail ID:rishabhjainadv@gmail.com)

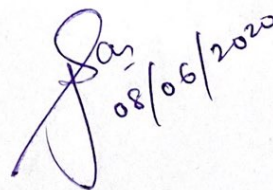
1. The defendant Manmohan Singh was contacted on his mobile number 9213494996 by Asstt Ahalmad Meenakshi and was informed about the matter being taken up at 11.30 a.m. He was asked to provide his e-mail ID so that the link of webex meeting could be sent to him, but he stated that he did not have any e-mail ID. He also submitted that he is a senior citizen, aged about 75 years and all the members in his family are unwell and hospitalized. He does not have a smart phone and is accordingly unable to join the meeting. This was submitted by him when a reminder call was given by Asstt. Ahalmad Meenakshi in the morning. Prior to that he had already been sent the link for the meeting by way of SMS


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yesterday. Yesterday, Meenakshi had also called on the mobile number earlier provided by counsel for the plaintiff which is 9810750318. The said mobile was received by one Gagandeep, who stated himself to be the son of the defendant and was annoyed on receiving the call. He was also informed about the case and thereafter, he had provided the mobile number of the defendant.

2. From the conduct of the defendant it is absolutely clear that he is well aware about the present proceedings but is not joining the same. At this stage, considering the situation that the courts are closed down due to COVID 19 Lockdown and there is limited movement of people, it cannot be opined if the non joining of the defendant in the proceedings is deliberate or circumstantial. However, since he has notice of the present case and the matter is listed today for arguments on application u/O XV-A CPC filed by the plaintiff, I am proceeding to hear the submissions of the counsel for the plaintiff on the same.


3. The plaintiff has placed on record a registered rent agreement between the parties in respect of the suit property i.e. shop no. 5, area admeasuring 7 x 12 on ground floor of property bearing no. JB-6, situated at main market Rajouri Garden Market, New Delhi w.e.f. 02.05.2019 at a monthly rent of Rs.49,000/- for 11 months i.e. uptill 31.03.2020. Earlier also the suit property was under tenancy of the defendant under previous separate agreements. It is the case of the plaintiff that the cheques paid by the defendant towards the payment of rent under this agreement were dishonoured upon which legal notice dated 14.11.2019 was served upon the defendant u/s 138 NI Act. On 14.11. 2019, a legal notice was also served upon the defendant terminating his tenancy w.e.f. 01.12.2019. Thereafter, the defendant approached the plaintiff and entered into a settlement/ *Ikrarnama* on


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27.11.2019 and had undertaken to clear the outstanding rent till March-2020. Again post dated cheques were given. However, only payment upto April 2019 was cleared and other cheques paid towards the outstanding rent again dishonoured. Again legal notice u/s 138 N I Act was issued by the plaintiff on 09.03.2020. On the same day a fresh legal notice terminating the tenancy of the defendant w.e.f. 31.03.2020 has been issued. All these notices have been duly served on the defendant but he failed to clear the outstanding rent as on date. The entire rent w.e.f. May-2019 is outstanding. Hence, the present suit has been filed seeking recovery of possession, interim injunction, arrears of rent, damages and mesne profits. All the relevant documents i.e. the rent agreements, legal notices, copies of dishonoured cheques and their return memos as well as the *ikrarnama* have been annexed with the plaint.

4. Alongwith the suit, the application under consideration has been filed seeking a direction to the defendant to clear the entire arrears of rent w.e.f. 01.05.2019 till 31.03.2020 and to further continue to pay user charges during the pendency of the suit. It is also submitted that as per the rent agreement, the rate of rent is Rs.49,000/- per month and in terms of Clause-15 of the rent agreement, the defendant is further liable to pay Rs. 49,000/- per month as penalty. Accordingly, the arrears of rent as well as user charges are sought @Rs.98,000/- per month. I have heard the submissions made and carefully perused the complete paper book.

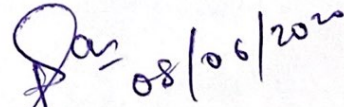
5. Considering the fact that the defendant has been served only on 26.05.2020 and also considering the situation in which the case is being taken up during the lockdown, I deem it appropriate to grant 30 days time to the defendant for filing his written statement as well as reply to the present application. In case no reply is


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filed within 30 days i.e. by 26.06.2020, the plaintiff shall be entitled to receive the rate of rent as per registered rent agreement dated 02.05.2019 i.e. @ Rs. 49,000/- per month w.e.f. 01.05.2019. The defendant is directed to clear the arrears of rent @Rs. 49,000/- per month for the period 01.05.2019 till 31.03.2020 and user charges at the same rate for the period 01.04.2020 till 30.06.2020 within a period of 6 months w.e.f. 01.07.2020, failing which, the same shall be recoverable with simple interest @ 10% per annum. The plaintiff shall also be entitled to receive user charges @ Rs.49,000/- per month w.e.f. 01.07.2020 during the pendency of the suit.

6. In case the defendant files his written statement as well as reply to the application under consideration and wants a hearing on this application afresh, he is directed to move an appropriate application to this effect for alteration of this order. With these directions, the application under consideration stands disposed off. Matter be listed for further proceedings before the concerned court/duty officer on 02.07.2020.

7. Copy of this order be uploaded on website and be also sent on the e-mail ID of the counsel for the plaintiff by the filing section.


Shivali Sharma
Additional District Judge-03 (West)
Tis Hazari Court

In The Court of Shivali Sharma
Additional District Judge-03 (West)
Tis Hazari Courts, Delhi.

Suit No.CIS.NO:

Sonika Miglani vs Child Welfare Committee and another

THROUGH WEBEX VIDEO CONFRENCING

Date: 08.06.2020

Present: Shri Kapil Kumar , counsel for plaintiff

(Mobile number: 9899000831)

(E-mail ID: kapil2kumar@gmail.com)

Ms Pammi Chauhan, Legal Advisor on behalf of defendant no.1/


Child Welfare Committee (CWC)

(Mobile number:8800315490)

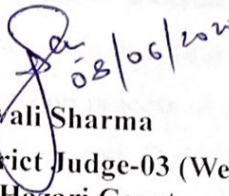
(E-mail ID: cwc.ncc@gmail.com)

Asstt. Ahlmad Meenakshi has informed that she had contacted Ms Pammi Chauhan, Legal Advisor, on behalf of defendant no.1 in the morning on her mobile number 8800315490 and informed about the matter being taken up at 12.15 p.m., but no one has joined the meeting. The link for the meeting has already been sent to the email id of defendant/CWC yesterday. It is already 12.40 pm. Now, it is submitted by Asstt. Ahlmad Meenakshi that she had received a call from Ms Pammi Chauhan that she can join the meeting at 2.00 p.m. In view of the submissions made, matter is passed over till 2.00 p.m.

At this stage while I was dictating the order, Ms Pammi Chauhan has joined


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the meeting but due to network problem she seeks pass over till 2.00 p.m. At request, matter is passed over till 2.00 p.m.

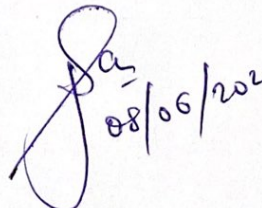

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Shiyali Sharma
Additional District Judge-03 (West)
Tis Hazari Court

At 2.00 p.m.

Present: As above.

At this stage, it is submitted by Ms.Pammi Chauhan that she had spoken about the present case with the Chairperson, CWC and on behalf of CWC it is assured that till the time the present suit is disposed off the custody of minor child Ruhi @ Kyra shall not be taken from the plaintiff. It is admitted that the custody of the child was handed over to the plaintiff as foster care on 24.10.2014 and since then the child is in custody of the plaintiff. It is also admitted that as per the inspection made by CWC it has been found that the child is well taken care off. It is submitted that due to some procedural lapses timely process for obtaining the formal court order for the adoption could not be initiated. Ms Pammi Chauhan is directed to send an e-mail on behalf of defendant no.1 through a duly authorized representative on the e-mail ID of District Court djwest.ddc@gov.in today itself giving the undertaking to this effect.

Present suit has been filed by the plaintiffs seeking a declaration that the child Ruhi@ Kyra is their legally adopted child. The suit is accompanied by an application u/O 39 R1 & 2 CPC thereby seeking an injunction thereby restraining CWC from taking back the custody of the minor female child from the plaintiffs


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during the pendency of the present suit. In view of the submissions made the interim application u/o 39 rule 1 & 2 CPC is disposed off in terms of undertaking given by defendant no.1 and defendant no.1/ CWC is restrained from taking the custody of the minor female child from the plaintiffs without due process of law and without intimation to the court till the disposal of the present suit. Defendant no.1 is directed to file the written statement within 30 days from today. Matter be put up before the concerned court/duty officer on 07.08.2020.

Copy of this order be uploaded on web site and be also sent on the e-mail ID of the counsel for the plaintiff and that of Defendant No. 1 by the filing section.


08/06/2020
Shivali Sharma

Additional District Judge-03 (West)
Tis Hazari Court