

M/S Technofab Engineering Pvt Ltd vs Ashok Sharma & Ors on 21 March, 2018

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ RFA 126/2017

M/S TECHNOFAB ENGINEERING PVT LTD Appellant

Through: Mr. Sanjeev Kumar, Advocate.

(M:9810261109)

versus

ASHOK SHARMA & ORS.

Through:

..... Respondents

Mr. Purushottam Kumar Jha,

Advocate. (M:9971291939)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 21.03.2018 CM No.14202/2017 (delay) Delay of 26 days in filing the appeal is condoned. CM is disposed of.

CM No.4359/2017 (stay) The decretal amount already stands deposited. Order dated 17 th August, 2017 is made absolute during the pendency of the present appeal.

CM is disposed of.

Learned counsel for the Respondents appearing today submits that he has entered appearance on behalf of the Respondent Nos.1, 3 to 5 & 7 to 11 and he does not appear for Respondent Nos.2 & 6. As per order dated 10 th January, 2018 of the Registrar, all the Respondents stood served. However, there is no appearance on behalf of Respondent Nos.2 & 6. They are proceeded ex-parte.

The main issue raised by the Appellant is that notice issued under Section 106 of the Transfer of Property Act was not issued in accordance with law. Learned counsel for the Appellant does not dispute that the use and occupation charges are payable by him. Appellant has deposited the amounts as per the decree of the Trial Court. However, amounts for the subsequent months have not been paid. Appellant is directed to deposit the monthly charges for use and occupation of the property as per the decree passed by the Trial Court till date with the Registrar General of this Court within four weeks. The trial court record has been received. Parties may obtain the electronic copy of the same.

List on 23rd May, 2018 for hearing.

PRATHIBA M. SINGH, J.

MARCH 21, 2018/dk