

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).7134/2022

[Arising out of impugned final judgment and order dated 03-08-2018 in CMM No. 880/2018 passed by the High Court of Delhi at New Delhi]

M/S HIMANGNI ENTERPRISES

Petitioner(s)

VERSUS

KAMALJEET SINGH AHLUWALIA (DECEASED)
THROUGH LRS

Respondent(s)

IA No. 37408/2022 - APPLICATION FOR PERMISSION
IA No. 13839/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 13837/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

SLP(C) No. 1052-1076/2022 (XIV)

SLP(C) No. 404/2022 (XIV)

IA No. 6429/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 4119/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 4115/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 6427/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 18-08-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Prashant G. Desai, Sr. Adv.
Mr. Vikas Arora, Adv.
Mr. Mohit Paul, AOR
Ms. Rangoli Seth, Adv.
Mr. Rohit, Adv.

For Respondent(s) :Mr. Parag P Tripathi, Sr. Adv.

Mr. Preet Pal Singh, AOR
Mr. Aparajito Sen, Adv.
Ms. Rini Mehra, Adv.
Ms. Tanupreet Kaur, Adv.
Mr. Sameer Chaudhary, Adv.
Mr. Ateender Maurya, Adv.
Mr. Aabir Bhattacharya, Adv.
Mr. Gaurav, Adv.

UPON hearing the Counsel, the Court made the following
O R D E R

One set of the above Special Leave Petitions, arise from twenty-eight suits tried together, another SLP is from an order in one of these and the other SLP is with respect to consolidation of the twenty-eight suits with another filed in the High Court.

2. The parties shall be referred to from their status in the Special Leave Petitions.

3. The original plaintiff in the twenty-eight suits is now represented by the respondents, his legal representatives; wife, daughter and adopted son. The petitioner is the defendant in the twenty-eight suits which are pending before the Additional District Judge-07, South East District, Saket Courts, New Delhi.

4. We heard Sri Prashant G. Desai, learned Senior Counsel for the petitioner and Sri Parag P. Tripathi, learned Senior Counsel for the respondent.

5. In SLP (C) Nos.1052-1076 of 2022, impugned are the First Appellate Orders in twenty-eight First Appeals which affirmed the order of the Trial Court dated 30.05.2020, directing deposit of the arrears of rent under Order XXXIX Rule 10 of the Code of Civil Procedure¹, 1908. SLP (C) No.7134 of 2022 arises from, again, an

1 *In short 'CPC'*

order in First Appeal which declined the amendment of the Written Statement filed in the suit referred to above. The amendment sought was to incorporate a Memorandum of Understanding² executed by the original plaintiff and his wife, in favour of the partners of the petitioner herein, who was the defendant in the twenty-eight suits. The application was declined finding no valid ground to permit amendment, which was confirmed in appeal by the High Court challenged in the Special Leave Petition. SLP (C) No.404 of 2022 challenges the order of the High Court which declined the consolidation of the twenty-eight suits pending in the District Court, with the suit pending in the High Court.

6. The skeletal facts required for disposal of the above Special Leave Petitions are that the respondents leased out twenty-eight sets of properties to the petitioner, which were sub-leased to a company; the sub-lease having been permitted by the lease itself. The sub-lessee is said to have vacated the premises before the period of sub-lease. However, the petitioner did not hand over the properties back to the respondent and defaulted the lease rents. The respondent filed twenty-eight suits for eviction, consequential possession, recovery of arrears and permanent injunction from interference in the properties. Pending suit, the properties were vacated by the petitioner and handed over to the respondents. The suits were continued insofar as the other reliefs prayed for, in which, the order under Order XXXIX Rule 10 was passed, directing the deposit of arrears.

7. The Written Statement in the said suits was filed on

2 *In short 'MoU'*

20.10.2015. No contention of the MoU dated 12.10.2015 was taken in the said written statement. After considerable time, when the matter was fixed for pronouncement of the order on the application under Order XII Rule 6 CPC, written statement was sought to be amended, which was declined by the Trial Court and affirmed in First Appeal.

8. We find absolutely no reason to interfere with the order passed under Order XXXIX Rule 10 or the refusal of the amendment.

9. The third Special Leave Petition is filed seeking transfer of the twenty-eight suits pending in the District Court to the High Court of Delhi, to be consolidated with C.S.(Comm) Nos.1218 of 2018, which was also declined finding no overlapping issues in the two suits.

10. Insofar as the consolidation is concerned, we agree with the order of the High Court that there are no overlapping issues, however, though the claims are distinct and separate, we are of the opinion that it would be in the fitness of things that one court hears the matter, though not in a consolidated manner. In fact, we have to specifically notice that the contention of the respondent is that no such MoU was entered into by the original respondent or the respondents herein, who are the legal representatives of the original respondent.

11. Hence, only to bring a quietus to the matter, we direct the transfer of the twenty-eight suits titled as '*Sh. Kamaljeet Singh Ahluwalia (now deceased), represented by legal representatives v. M/S Himangni Enterprises*', to the High Court of Delhi, to be heard along with C.S.(Comm) No.1218 of 2018 titled as '*Rajesh Arora &*

Ors. v. Kamaljeet Singh Ahluwalia & Ors.'

12. We are told that in both the suits, evidence is now complete, hence, arguments alone are to be addressed as of now. We make it clear that the evidence led in one suit cannot be imported into the other suit. Both will have to be considered independently, but since the parties are identical, the arguments can be addressed at one go. There shall be two separate judgments delivered in the case.

13. With the above directions, the Special Leave Petitions are disposed of, making it clear that in compliance of the order under Order XXXIX Rule 10, passed by the District Court, the full amounts would be deposited with the Registry of the High Court of Delhi within a period of eight weeks from today. The disbursal of the amount shall be after the disposal of the suits. The amounts deposited shall be kept in an interest-bearing fixed deposit in a Nationalized Bank.

14. We direct the Additional District Judge-07, South East District, Saket Courts, New Delhi, to transmit the records of the twenty-eight suits, as hereinabove mentioned, to the High Court of Delhi expeditiously. The matter shall be taken up in the original side at the High Court after the deposit has been made by the petitioner herein, as observed by us in the above order.

15. Pending application(s), if any, shall stand disposed of.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)