

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 324/Rules/DHC

Dated: 12.11.2008

In exercise of the powers conferred by Section 122 of Code of Civil Procedure, 1908 and all other powers enabling it in this behalf, the High Court of Delhi, with the prior approval of the Government of India, hereby makes the following amendments in Order XV of the Code of Civil Procedure, 1908 :-

THE FOLLOWING SHALL BE INTRODUCED AS ORDER XV-A TO ORDER XV OF THE CODE OF CIVIL PROCEDURE, 1908, APPLICABLE TO HIGH COURT OF DELHI AND ITS SUBORDINATE COURTS :-

ORDER XV-A

STRIKING OFF DEFENCE IN A SUIT BY A LESSOR

(A) "In any suit by a owner/lessor for eviction of an unauthorized occupant/lessee or for the recovery of rent and future mesne profits from him, the defendant shall deposit such amount as the court may direct on account of arrears upto the date of the order (within such time as the court may fix) and thereafter continue to deposit in each succeeding month the rent claimed in the suit as the court may direct. The defendant shall continue to deposit such amount till the decision of the suit unless otherwise directed.

In the event of any default in making the deposit as aforesaid, the Court may subject to the provisions of sub-rule (2) strike off the defence.

(2) Before passing an order for striking off the defence, the court shall serve notice on the defendant or his Advocate to show cause as to why the defence should not be struck off, and the Court shall consider any such cause, if shown in order to decide as to whether the defendant should be relieved from an order striking off the defence.

(3) The amount deposited under this rule shall be paid to the plaintiff owner/lessor or his Advocate and the receipt of such amount shall not have the effect of prejudicing the claim of the plaintiff and it would not also be treated as a waiver of notice of termination."

NOTE: THIS AMENDMENT SHALL COME INTO FORCE WITHIN THE LOCAL LIMITS OF THE JURISDICTION OF THE HIGH COURT OF DELHI IMMEDIATELY ON THE DATE OF ITS PUBLICATION IN THE DELHI GAZETTE.

By order of the Court,

Sd/-

**(AJIT BHARIHOKE)
REGISTRAR GENERAL**