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EX. No. 117/23

RAKESH SETH Vs. RAJ KUMAR @ RAJA BHATNAGER

**20.05.2024**

Present : Sh. Vikram Seth, Ld. Counsel for the DH (through VC).  
Sh. Kuldeep Mansukhani and Ms. Babita Chaudhary, Ld. Counsel for the applicant/ Objector/ Sh. Arun Kumar.

An application under Order XXI Rule 99, 100 and 101 r/w Section 144 and 151 of CPC is filed on behalf of the applicant/objector Arun Kumar praying for restoration of possession of shop no. 4 and 5 situated on the ground floor of the property bearing no. 165, J & K Block, Laxmi Nagar, Delhi and damages etc.

The applicant/objector has also moved application under Section 151 CPC for granting of stay of execution proceedings.

Today, Ld. Counsel for applicant has also filed certain judgments in support of his application.

It is submitted by Ld. Counsel for the applicant/objector/ Sh. Arun Kumar that he was in settled possession of the shop no. 4 and 5 on the ground floor of the property bearing no. 165, J & K Block, Laxmi Nagar and was using the same without any hindrance from any corner.

Ld. Counsel for DH seeks time to file reply to the said application.

Ld. Counsel for applicant requests that in the meantime, an order for status quo be passed.

Ld. Counsel for DH opposes the plea of applicant for status quo order.

Submissions heard. Record perused.

In the application, the applicant has made allegation against DH of concealment of material facts including concealment of tenancy. The applicant has filed on record various documents such as copies of GPA, Will agreement for sale, affidavit, receipts towards purchase of shop no.4 by applicant/ objector and previous chain of documents including sale deed; copy of summons issued to applicant/objector by Ld. ADJ; copy of rent receipts issued by owner Smt. Uma Devi and her legal heirs; copy of regulation certificates issued by Department of Posts; copy of certificates of registration of commercial establishment/ shops issued by MCD; copy of electricity bills and copy of telephone bills in support of his claim of being in settled possession of shop no. 4 and 5 of the property bearing no. 165, J & K Block, Laxmi Nagar, Delhi.

In view of averments in the application and in interest of justice, the Court is of the opinion that the status quo regarding possession and title of the property bearing no. 165, J & K Block, Laxmi Nagar, Delhi is maintained till next date of hearing. Therefore, ***DH is directed not to create any third party***

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*interest as well as maintain status quo regarding possession of said property bearing no. 165, J & K Block, Laxmi Nagar till NDOH. The DH is further directed not to change/alter the construction of the property bearing no. 165, J & K Block, Laxmi Nagar, Delhi including the shop no. 4 and 5 of the said property till NDOH.*

Put up for filing reply to the application under Order XXI Rule 99, 100 and 101 r/w Section 144 and 151 of CPC and application for stay under section 151 of CPC and consideration/arguments of the said applications, on date already fixed i.e. 19.07.2024.

(SOMITRA KUMAR)  
DJ-06, EAST/ KKD COURTS  
DELHI/20.05.2024 <sup>(R)</sup>