

09.07.2024

Present : Mr. Gaurav Sadana, Ld. Counsel for the plaintiff
through VC.

Mr. Neeraj Tyagi, Ld. Counsel for defendant no. 1.

Mr. Hitesh Batra, Ld. Counsel for defendant no. 2
alongwith defendant no. 2.

An application under Order 39 Rules 1 & 2 r/w Section 151 CPC is filed by Ld. Counsel for defendant no. 1. Copy has already been supplied to Ld. Counsel for the plaintiff.

Copy supplied to Ld. Counsel for defendant no. 2.

Ld. Counsel for defendant no. 1 submits that water from the premises in possession of the plaintiff is falling into the portion in possession of defendant no.1.

Ld. Counsel for the plaintiff submits that he will get the aforementioned averment verified from the plaintiff and in case if the averment is found to be true, the plaintiff will get the necessary repairs carried out so that the water does not fall into the premises of defendant no. 1.

Ld. Counsel for the defendant no. 1 submits that his application may be disposed off in terms of the undertaking of the Ld. Counsel for the plaintiff.

Request is allowed.

The application of defendant no. 1 under Order 39 Rules 1 & 2 of CPC is disposed off with the direction that in case water is indeed falling from the portion in possession of the plaintiff

into the portion in possession of defendant no. 1, the plaintiff be carried out necessary repairs to get this problem rectified.

Affidavit of admission and denial of documents is filed by Ld. Counsel for defendant no. 2. Copy is supplied to Ld. Counsel for defendant no. 1.

At the request of Ld. Counsel for plaintiff, matter is adjourned for filing of replication and affidavit of admission and denial of documents.

To come up for framing of issues on 18.11.2024.

(Shirish Aggarwal)
District Judge-03
Patiala House Courts, New Delhi
09.07.2024