

CS DJ No. 163/22

Kajal Saini Vs. Sub Divisional Magistrate

Present: Sh. Neeraj Sharma, counsel for the petitioner.
Sh. Subodh Kumar Patwari with counsel Sh. Rohit Bansal for defendant.

Today, the case is fixed for filing the WS as well as reply and arguments on the application u/s 39 Rule 1 & 2 CPC.

Ld. Counsel for the defendant has placed on record certain photographs of khasra no. 180 & 181 and has submitted that some more time may kindly be granted to file WS as well as reply to the application u/s 39 Rule 1 & 2 CPC.

The photographs filed by the defendant be taken on record. Copy of the same has also been supplied to the counsel and plaintiff. Counsel for the plaintiff has submitted that permission have been granted to him to construct the boundary wall to protect his land bearing khasra no. 181(1-05) and 180 min (0-07) total land (1-12) of Village Hiranki, Delhi and the permission was granted vide order dated 14.01.2021 by the SDM, Alipur and when he was constructing the boundary wall, a restraint order was issued vide order dated 25.02.2022 and the same is against the law inasmuch as he is not doing any unauthorized construction and make a submission that some interim protection may kindly be granted to the plaintiff against the restraining order passed by SDM, Alipur.

I have heard submissions of counsel for the plaintiff as well as patwari concerned and counsel for the defendant. Since the WS as well as reply to the application under Order 39 Rule 1

& 2 IPC has not been filed by the defendant despite opportunity being granted. Therefore, in these facts and circumstances and on request of Ld. Counsel for the defendant, the time is granted to the defendant to file WS as well as reply to the application under Order 39 Rule 1 & 2 CPC.

In the meanwhile, defendant, his officials are hereby restrained to take any coercive action over the suit land i.e measuring 1 biga 12 biswas, out of khasra no. 181(1-05) and 180 min (0-07) situated in the revenue estate of village Hiranki, Delhi more particularly as shown in the site plan annexed by the plaintiff with the plaint till next date of hearing.

Put up on 02.05.2022 for filing WS as well as reply and arguments on the application under Order 39 Rule 1 & 2 of CPC.

(Satish Kumar)
ADJ-1(North)/Rohini Courts
Delhi/21.03.2022