

CS No. 626/18

30.10.2018

Present: Plaintiff with Ld. Counsel Sh. Ravinder Narwal.
Sh. Kameshwar Mishra, Ld. Counsel for defendant.

Time for today is being sought to filed WS. WS be filed with advance copy. Put up for filing reply, admission/denial of documents and framing of issues on 13.02.2019.

Ad-interim relief is prayed by the plaintiff requesting that the defendant be restrained from creating any third party interest. The dispute is regarding the floor that had been sold by the defendant to the plaintiff.

Ld. Counsel for defendant submits that under collaboration agreement, the building was reconstructed thereby making basement/parking, ground, first, second and third floor out of which builder retained basement, ground and first whereas the defendant was given second and third floor. The second floor has been retained by the defendant while the third floor has been sold out to the plaintiff. The plaintiff's grievances is that as per agreement, it was the third floor that was sold out to the plaintiff but the defendant has further built another floor illegally and now the fourth floor is being offered to the plaintiff which is not agreeable to the plaintiff.

Ld. Counsel for defendant submits that defendant has only one floor where defendant is residing and has no other floor in the entire

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building. Till further orders, defendant is directed to maintain the status quo regarding ownership & title and no any third party interest shall be created by the defendant in any part of the building i.e. A – 86, Kewal Park Extn. Azadpur, Delhi -33.

Notice to NDMC be issued with direction to file the approved site plan of property on filing of PF/RC.

(Neeraj Gaur)
ADJ-1(North)/Delhi/30.10.2018