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CS DJ
49/22
DHARAMPAL
Vs.
HOSHIYARI DEVI

08.07.2024

Present : Sh. Ratneshwar Kumar, Ld. Counsel for the plaintiff with plaintiff.
Sh. Hitesh Dabas and Sh. Shiv Kumar, Ld. Counsels for the
defendant no. 1 and 2 with defendant no. 1 and 2.
Ms. Vasu Singh, Ld. Counsel for the defendant no. 4/ MCD.
None for the defendant no. 3.

1. The matter was listed for arguments on the defendant no.1's application for stay on the construction being undertaken by the plaintiff. Ld. Counsel for the plaintiff submits that the plaintiff is not undertaking any construction over his portion of the suit property.

2. At this stage, Ld. Counsel for the defendant submits that the construction has been completed by the plaintiff. Hence, the application has become infructuous. Same is disposed of accordingly.

3. On 30.05.2024, the defendant no. 1 moved an application for directions to the plaintiff not to interfere in the installation of the electricity meter and sewage pipe. Notice of this application was issued to all the defendants.

4. Arguments heard.

-: 2 :-

5. Ld. Counsel for the plaintiff submits that the suit property was mutually divided into 03 portions between the plaintiff and the defendant no. 1 and 3. An 08 feet gali was mutually agreed to be left open. However, the defendant no. 1 has encroached upon the same. Hence, application may not be allowed.

6. Ld. Counsel for the MCD submits that in her WS, she has already mentioned that the entire construction which has been undertaken on the suit property is unauthorised as no sanction for the same was taken by any of the parties. She further submits that the entire property has been booked under the relevant provision.

7. In view of the same, as the parties have undertaken unauthorised construction without any sanctioned plan, the court is not inclined to allow the present application. Same is dismissed.

8. Put up for filing of replication, if any, admission/ denial and framing of issues on **22.10.2024**.

9. Both the parties are directed to file their affidavits in admission/ denial of documents.

(RUCHIKA SINGLA)
DJ-03 (N/W)

Rohini Courts :Delhi/08.07.2024