

10 CS DJ 308-25

SHANKAR KUMAR JHA VS. JITENDER KOHLI

**22.12.2025**

Present:- plaintiff through VC.  
Ms. Dipanwita Chakraborty, Ld. Counsel for  
defendant.

1. Plaintiff has submitted that cost in terms of order dated 12.07.2025 has still not been paid. Let the same be paid on or before the NDOH.
2. Today defendant has filed an application under Order VII Rule 11 CPC. Copy already supplied. Reply, if any, be filed at least one week before the NDOH with advance copy to the opposite side.
3. Plaintiff has submitted that vide order dated 23.07.2025, joint inspection was ordered to be done with respect to the work required and ascertain the damages cause to the plaintiff's property. An application for submission of the inspection report was filed by defendant no. 1 on 23.08.2025.
4. Plaintiff has submitted that as per the said inspection report, the defendant has made certain recommendations to address the current structural vulnerabilities and to prevent future deterioration. Plaintiff has submitted that as the defendant has admitted that he is ready to do the repair work, an order directing the defendants to conduct the remedial work be passed. It is submitted that the defendants have made an admission that due to the construction done by the defendants in the plot adjoining to the property of the plaintiff, the property of the plaintiff has suffered certain damages, as such the defendants are liable to

complete the said work.

5. Per contra, Ld. Counsel for defendant has submitted that the case of the defendants is that the damages cause to the property of the plaintiff was due to structural defects in the plaintiff's own property. The defendants have made no admissions as to the culpability of the defendants in the structural imbalance of the plaintiff's property. It is further submitted that despite no default of the defendants and there being no legal obligation on the same, the defendants made certain repair works in the building where the plaintiff's property is situated. All other co-owners of the said building had cooperated in the said restoration work but the plaintiff refused to cooperate and did not give access to his own property. As such the repair work in the property of the plaintiff could not take place. However, it is submitted that the defendants have made no admission either in their written statement or in the application for taking on record the inspection report as to any liability in this regard. Thus, it is submitted that neither any admission has been made nor there is any legal obligation for the defendants to carry out the repair work as per the joint inspection report.

6. Heard. Perused.

7. The arguments of the plaintiff are that by filing the inspection report and making recommendations, the defendants have agreed to undertake the work as mentioned in the inspection report and as such they may be directed to do so. Various opportunities were granted to the parties to settle the matter amongst themselves but the same have not been fructified into

any settlement between the parties. The inspection report gives the recommendations as to the work required in the property of the plaintiff. The said inspection report or the application do not mention that the work recommended was the liability of the defendants. Even in the written statement, the defendants have not admitted to the claim of the plaintiff but it is stated that the damage caused to the plaintiff's property was due to the structural weakness of the said building and not because of the construction carried out by the defendants.

7. The inspection was an effort by the Court so that some peaceful resolution can be found out between the parties. However, as mentioned herein above, no such settlement has been achieved.

8. Further, as discussed herein above, no admission sufficient to decree the suit either in whole or in part has been made by the defendants. As such, no directions are called for to be issued against the defendants.

9. List for arguments on all the pending applications on **27.01.2026**.

(Rahul Bhatia)  
DJ-1 (South-East), Saket Court  
New Delhi/22.12.2025(sk)