

CS DJ No:- 847/21

SAVITA MADAN Vs. RAJ KUMAR CHUGH & ANR.

29.08.2023

Present:- Plaintiff in person along with Ld. Counsel Sh. Parveen Kumar.

Both defendants in person along with Proxy Counsel Sh. Rishabh.

Report of Ld. Local Commissioner received vide which it is reported that there is seepage in the flat of plaintiff and continuous falling of water droplets from the roof of washroom. There is also seepage in the kitchen and room adjacent to kitchen in the flat of the plaintiff. It is further reported as also evident from the photographs attached with the report that plastic sheets are being used by the plaintiff to avoid falling of water droplets from the roof in their washroom. Ld. Local Commissioner opined that prima-facie the seepage in the property of plaintiff is because of the leakage from the washroom of defendants and poor condition of the GI pipes in their washbasin.

At this stage, an oral application under Order XXXIX Rule 1 and 2 CPC is moved on behalf of plaintiff seeking directions to the defendants to carry out immediate repair in their bathroom to stop leakage in the property of the plaintiff which is causing grave inconvenience and harassment to them.

Without admitting the contents of the report of Ld. Local Commissioner and without prejudice to their legal rights,

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defendants are willing to carry out requisite repair in their flat (especially in the washroom) to ensure that no further seepage is caused in the premises of the plaintiff.

Keeping in view the totality of facts, circumstances and report of Ld. Local Commissioner, prima-facie case for grant of injunction is made out in favour of plaintiff and against the defendants. Owing to no objection by the defendants, balance of convenience also lies in favour of plaintiff and against defendants. Moreover, irreparable loss is likely to cause to plaintiff if immediate repair in washroom is not carried out by the defendants. **Application under Order XXXIX Rule 1 and 2 CPC is thus, disposed of as allowed. Considering the imminent emergency and continuous leakage of water in the premises of plaintiff as also evident from the photographs attached in the report of Ld. Local Commissioner, defendants are directed to carry out necessary repairs within 15 days from today.** It is made clear that nothing mentioned herein shall tantamount to an expression on the merits of the case.

Put up for compliance as well as further proceedings on **18.09.2023.**

(Akash Jain)
ADJ-1 (South-East), Saket Court
New Delhi/29.08.2023