

13 Civ DJ 476/2016 612001/16
CNR No. DLWT01-000219-2010
RAKESH KUMAR JAIN Vs. SATISH KUMAR

03.08.2026

Present Plaintiff with Ld. Counsel Shri Dinesh Kumar.

Defendant no. 1 in person.

Shri Gurpreet Singh Sethi, Ld. Counsel for defendant no. 1
through VC.

Defendant no.2 already *exparte* vide order dated 30.01.2026.

Vide separate judgment of even date, pronounced in the open
Court, the suit is partly decreed. It is hereby ordered as under:

(i) A decree of possession is passed in favour of the plaintiff and against defendant no.1 in respect of the portions of the suit property shown in green and yellow colour in the site plan forming part of the plaint. Defendant no.1 shall hand over vacant and peaceful physical possession of the said portions to the plaintiff within three months from the date of this judgment.

(ii) The plaintiff's claim for damages/mesne profits is rejected. Although the plaintiff has succeeded in obtaining a decree for possession, he has failed to discharge the burden cast upon him under Issue No.6 by leading any cogent evidence regarding the quantum of mesne profits or the prevailing market rental value. Consequently, no decree for mesne profits or damages can be granted.

(iii) The relief of mandatory injunction directing removal of the alleged encroachment, closure of the alleged industrial unit, demolition of

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construction or issuance of directions against defendant no.2/Municipal Corporation of Delhi is declined, the plaintiff having failed to establish the necessary factual foundation for grant of such equitable relief.

(iv) A decree of permanent injunction is passed restraining defendant no.1, his agents, servants, representatives or any person claiming through him from selling, transferring, alienating, mortgaging, creating any third-party interest or otherwise parting with possession of the suit property, or any portion thereof, till the plaintiff obtains possession in execution of this decree. However, the prayer seeking injunction restraining alleged industrial activity is declined for want of sufficient evidence.

(v) The remaining prayers made in the plaint, not specifically granted hereinabove, stand dismissed.

Having regard to the close familial relationship between the parties and the long-standing nature of the dispute, the Court is of the opinion that it would not be appropriate to saddle either party with costs. Accordingly, the parties are left to bear their own costs. Let a decree sheet be drawn accordingly.

File be consigned to record room.

SUSHEEL BALA DAGAR
DISTRICT JUDGE-08
WEST/DELHI/03.08.2026