

MCA DJ 03/2020
Kulbir Sahi Vs.
Union Of India & Anr.

07.08.2023

Present: Appellant with Ld. Counsel Sh. Sachin Mittal.
Ms. Chetna Rai, proxy for Sh. V. K. Rai, Ld.
Counsel for R-1.
Sh. Dharamvir Gupta, Ld. counsel for R-2/North
DMC.

An application u/o VI Rule 17 r/w Sec. 151 CPC is filed on behalf of appellant for seeking amendment in the present appeal. Copy supplied to Ld. Counsels for opposite parties.

An application u/o XXXIX Rule 1 & 2 r/w Sec. 151 CPC, moved on behalf of appellant after LDOH, is pending for consideration.

Ld. Counsel for appellant undertakes to supply copy of the same to Ld. Counsels for opposite parties.

During the course of further arguments, Ld. Counsels for the appellant has stated that as per the settled proposition of law merely due to the fact that the structure / construction over the suit property has been demolished, the appellant / plaintiff should not be considered as out of possession of the suit property and he has insisted that the respondents be directed to maintain status-quo so as to protect the possession of the appellant over the suit property, as there is imminent danger of his dispossession from the suit property. In this regard, the Ld. Counsel has drawn attention to averments of para 2 of application u/o XXXIX Rule 1 & 2 CPC, dated 02.03.2022, filed on behalf of appellant / plaintiff, wherein it is mentioned that

through information received under the RTI Act, the appellant came to know that process was initiated on behalf of R-2/North MCD to take illegal / unwarranted action for removal of debris (Malba) and construction of boundary walls over the suit property and he has also highlighted a document pertaining to R-2 wherein some noting has been made by an official whereby he has purportedly given directions for taking certain steps in respect of the suit property. Ld. Counsel for the appellant has also stated that in the recent few days officials from R-2 have been visiting the suit premises and that the appellant has strong apprehension that they are likely to remove debris from the suit property and to carry out further action thereon, which is likely to cause irreparable loss to the appellant.

At this stage, it has been informed that two officials from R-2, one Sh. Vishram Meena, AE, Maintenance and another Sh. Narender Singh, Assistant Directire, Horticulture are present in the Court to observe the proceedings of the present matter.

In the given facts and circumstances of the present matter, it is desirable to ascertain as to whether the concerned officials of R-2 North MCD are planning to carry out any work on the suit premises or not. Hence, Ld. Counsel for R-2 is asked to file status report in this regard before the Court on NDOH, through the concerned official of R-2.

Put up for reply and arguments on pending applications / FA on **31.08.2023**.

(GOPAL SINGH CHAUHAN)
ADJ-03, WEST/DELHI
07.08.2023