

Civ DJ 843/23

NITIN SHARMA AND ORS Vs. YOGESH SHARMA AND ANR.

28.08.2024

Present: Ms. Savita Rastogi, Ld counsel for plaintiffs alongwith all the plaintiffs.

Sh. Naresh Sharma and Ms. Deepa Chaudhary, Ld counsels for defendant no.1.

Sh. Akash Gupta, Ld counsel for defendant no. 2.

In this matter written statement alongwith application for condonation of delay has been filed by defendant no. 2 and copy has been supplied to other side. Ld counsel for plaintiffs submits that plaintiff will file reply of application for condonation of delay.

Put up for reply and arguments on said application on next date of hearing.

In this matter one application u/s 151 CPC has been moved on behalf of defendant no. 1 whereby permission is sought for removal of the malba and building material, which are lying on the roof of the second floor of the suit property.

Ld counsel for defendant no. 1 submits that vide order dated 12.10.2023, Court gave the directions for status-quo. It is further submitted that due to rainy season and water logging, there is possibility of seepage due to the malba and building material lying on the roof of the second floor. This Court is of the considered view that if the prayer made by defendant no. 1 is granted, no prejudice shall be caused to anybody. Accordingly, application is allowed. Defendant no. 1 is directed to file on record photographs of the roof after removal of the malba and building material.

Matter be put up for reply, arguments and disposal of application for condonation of delay on 27.11.2024.

(Dharmender Singh)
District Judge-01 (West), THC,
Delhi/28.08.2024