

RUBY CHATRATH Vs. KAMLESH BHATIA

16.03.2026

Present: Sh. Sandeep Thukral and Ms. Baishali Dass Ld.
counsel for the counter claimant.
Sh. Opinder Arora, Ld proxy counsel for the non-
counter claimant.

Replication has been filed on behalf of the counter claimant. Copy of the same has been sent on the e-mail id of Ld counsel for the non-counter claimant.

Ld counsel for the non-counter claimant has filed the reply of the counter claim on 11.12.2025.

Ld counsel for the counter claimant submits that there is no need to file affidavit of admission/denial of documents on behalf of the counter claimant as non-counter claimant has not filed any document.

Ld counsel for the non-counter claimant seeks an adjournment for filing affidavit of admission/denial of documents. He is allowed to file the same within 14 days with advance copy to Ld counsel for the counter claimant.

Ld counsels for the parties request the Court to frame issues.

From the pleadings of the parties, following issues have been framed:

ISSUES

1. Whether the counter claimant is entitled for decree of mandatory injunction, thereby, directing the non-counter claimant to remove the illegally installed iron gate on the stairs between the

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second floor of counter claimant's apartment no. 46C and third floor of non-counter claimant's apartment no. 46D in *Tower 46, Sundar Vihar Apartment GH-10, Paschim Vihar, New Delhi*? Onus of proof on counter claimant.

2. Whether the plaintiff is entitled to obtain *decree of permanent injunction, thereby restraining the non-counter claimant and his family members from putting their locks on the terrace door entry gate of Tower 46, Sundar Vihar Apartment GH-10, Paschim Vihar, New Delhi*? Onus of proof on counter claimant.

3. Whether the plaintiff is entitled to obtain a *decree of permanent injunction, thereby directing the non-counter claimant and his family members not to restrict the counter claimant, her family members and other representatives of counter claimant from accessing the terrace of the abovesaid Tower 46, Sundar Vihar Apartment GH-10, Paschim Vihar, New Delhi for inspecting/repairing water tank, pipes for installing/repairing any other utility i.e. Dish antenna and any other like-wise items*? Onus of proof on counter claimant.

4. Whether the plaintiff is entitled to obtain a *decree of permanent injunction, thereby directing the non-counter claiming and her family members not to feed the stray of dogs in the common stairs and in front of the door of the counter claimant and further restrain from keeping food and water in the stairs or at the door of the counter claimant for such dogs*? Onus of proof on counter claimant.

5. Relief.

No other issue arise or pressed for.

Put up for evidence on behalf of the counter claimant on 16.07.2026.

Parties are directed to file list of witnesses within 15 days from today.

At request of Ld counsel for counter claimant, the date

is changed to 29.07.2026 as the counter claimant has gone to USA.

The main suit and counter claim pertains to same property and in respect of one dispute between the same parties, therefore, the suit bearing no. 605/23 and the present counter claim are consolidated and are directed to be tried together. The civil suit bearing no. 605/23 is the main suit, so, the evidence will be led in the said suit and the evidence led in the said suit will also be read in the present counter claim.

There is no need to lead separate evidence in the present counter claim.

Put up with connected civil suit on **29.07.2026**.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
16.03.2026