

17 Civ DJ 663/24
RIPUDAMAN GOSAIN
Vs.
SS TANEJA
CNR: DLWT01-00

17.02.2026

Present: Sh. Kunal Gusain, Counsel for plaintiff.
Sh. Gaganpreet Singh, Counsel for defendant along with
defendant in person.

Arguments heard on application under Order XXXIX Rules 1 and 2 of CPC. During course of arguments, it is observed that the main grievance of the plaintiffs is that the plaintiffs have no access to the terrace due to locks placed by the defendant at two places in the staircase leading to the terrace. The defendant has argued that since the defendant is the owner of the terrace, he has an apprehension that the plaintiff may unlawfully take possession of the same.

Mere existence of a limited right of access of terrace in favour of plaintiff for specific purposes such as maintenance of water tanks etc. does not, in any manner, dilute or encumber the ownership rights of the defendant in the terrace. Such access, being in the nature of a permissive right confined to a defined purpose, cannot be construed as co-ownership in the terrace of property.

Accordingly, the defendant is directed to provide a free passage to the plaintiffs to the terrace of the building of the suit property, which is under ownership of the defendant, by removing locks, if any, for the

- 2 -

purpose of maintenance of water tanks etc.

The application under Order XXXIX Rules 1 and 2 of CPC is disposed off as partly allowed and dismissed with respect to other reliefs sought by way of the said application.

To come up for filing of affidavit of admission/denial of documents and framing of issues on **24.03.2026**.

(Goma Dabas Gupta)
District Judge-06
West District, Tis Hazari Courts
Delhi/17.02.2026