

**VIPIN BANSAL VS. SHYAM SUNDAR GUPTA AND ANOTHER**

**03.08.2026**

Present: Sh. Charan Jeet Singh, Ld. Counsel for plaintiff through VC.  
Sh. Shiv Kumar Tiwari, Ld. Counsel for defendants.

Fresh vakalatnama filed on behalf of defendant no. 1 and 2 is taken on record.

The present order shall dispose of two applications filed by plaintiff, one under Order XXXIX Rule 1 and 2 CPC and another under Section 151 CPC.

**Brief Facts :** As per contents of plaint, the suit property bearing H. No. 7/5265, Krishna Nagar, Dev Nagar, Karol Bagh, New Delhi – 110005 originally belonged to the grandfather of parties namely Shrichand who married twice during his lifetime. Mrs. Kamla was the first wife and Mrs. Basanti Devi was the second wife of grandfather of the plaintiff who died in November, 1984 leaving behind six children. One branch i.e. the plaintiff emanates from the first wife of Late Shrichand and the second branch i.e. defendants side emanates from the second wife. Plaintiff and defendants are residing in the separate floors of the suit property. The suit property has been built around the year 1957 and remains undivided. It is grievance of the plaintiff that the building is an old structure, and therefore, needs extensive repair/renovation, however, defendants have been creating obstruction and trouble to the plaintiff in carrying out the repair and renovation of the portion at second floor under their occupation. The plaint further mentions about various incidents from time to time when defendants obstructed the labour and prevented him from carrying

water-proofing of terrace, abused them and therefore, the work of essential repair and renovation has been completely halted. It is further averred in the plaint that defendants have also prevented them from re-installing CCTV cameras as the engineer was not allowed access to the third floor/terrace. Accordingly, plaintiff has filed the present suit to grant the decree of permanent and mandatory injunction to restrain the defendants from causing any hardship/difficulty in maintenance/renovation/repair and also transfer of electric meter. Another prayer has been sought to direct the defendants for providing copies of the property documents.

Defendants in their written statement have admitted the relationship between the parties. There also does not appear to be any dispute regarding the respective portions of the suit property under the occupation of parties. However, it is the contention of the defendant that there has been no formal partition between the parties and they are occupying the respective portions only by way of convenience and family arrangement. Reading of the WS further reveals that defendants do not appear to object to the lawful repairs. As per the defendants, they object only because :

- a. no prior intimation was given.
- b. no structural engineer's opinion or municipal sanction was shown.
- c. the nature of work directly affected the ceiling/roof and walls.

Further, as per the defendants, plaintiff without any prior consent and disclosing the structural engineer opinion or even municipal sanction commenced extensive breaking of walls, enlarging of opening and removal of plaster and brick work and also stack bricks and other construction material in and around the common passage and placed scaffolding and ladders so as to obstruct movement. As per the

defendant, he has no objection to bonafide and necessary water-proofing if done in a safe and mutually agreed manner. As per the defendants, the manner in which plaintiff attempted to carry the work shall directly impact/impacted the structural integrity and safety of the floors including the portion occupied by the defendants who are senior citizens.

I have heard both the parties and perused the record.

The suit property is quite old as the same has been built around 1957 and therefore, naturally may require extensive repair and renovation. Plaintiff intends to carry repairs and renovations but defendants have an apprehension that it is not being carried in proper manner and without any report of a structural engineer and therefore, rather than strengthening the building it may cause more damage and even peril the entire structure. This Court had made an attempt for renovation/repairs by plaintiff and defendants jointly as at this stage, joint venture only appeared to be a practical solution and the best course available. However, parties failed to reach consensus. Now, coming to the reliefs sought in the application under Order XXXIX Rule 1 and 2 CPC i.e. to issue an interim direction to the defendants not to interfere or restrain the plaintiffs from carrying out repairs/renovation, this Court is of the opinion that same cannot be granted as an interim relief, as in substance, it is also the main prayer in the suit. Moreover, there is no report of any structural engineer or any expert before this Court so as to gain knowledge as to what extent the building is dilapidated and requires repair or the extent of leakage etc. This court is in agreement with contention of Ld. Counsel for defendant that repair carried without proper precaution can do more harm. **Accordingly, the application under Order XXXIX Rule 1 and 2 CPC stands dismissed.**

Now, coming to the second application of the plaintiff under Section 151 CPC regarding permission to install CCTV cameras, it is averred in the application that plaintiff lives at the second floor of the suit property while defendant no. 1 lives on the first floor and defendant no. 2 lives at the third floor. As per the plaintiff, earlier he had installed CCTV cameras in his premises for security and transparency, however, they were damaged by some unknown persons and even the incident of damage could not be recorded and recovered and therefore, plaintiff wants to install another CCTV camera in his premises including in the common passage. It is further averred in the application that police complaint regarding damage was also lodged.

The application is opposed by the defendants on the ground that admittedly, the suit property is undivided, joint residential house with a common passage and installation of cameras shall affect the privacy of the respondents, however, they have no objection if the applicant/plaintiff installs CCTV cameras strictly within their exclusive portion and immediate doorway, provided the cameras do not capture/ record the entrance, inner portion or every moment of the respondents and their visitors in the common passage.

In the opinion of this Court, plaintiff has the right to install the CCTV cameras but in such a manner that it does invade the privacy of the defendants or used as a surveillance tool under the guise of security. In fact, even the defendants do not appear to oppose such arrangement. **Accordingly, the present application under Section 151 CPC is partly allowed and plaintiff is allowed to install/re-install the cameras in the areas under his exclusive occupation and also at such places where the privacy of defendants is not exposed.** The application under Section 151 CPC is accordingly disposed of.

After hearing the parties, the following issues are hereby framed:

*1. Whether the plaintiff is entitled to seek a relief of permanent and mandatory injunction for restraining the defendants/their legal heirs/representatives etc. from interfering/causing any hardship or difficulty or carrying out any maintenance/renovation or transfer of electric meter in their own name or keeping tenant in their portion ? OPP.*

*2. Whether plaintiff is also entitled to a direction to the defendants for providing a certified copy of the property documents ? OPP.*

*3. Whether the plaintiff is also entitled to decree thereby directing the defendants to repair/renovate/do maintenance work on the terrace and other parts of the portion belonging/under the occupation of defendants ? OPP.*

No other issue arises or pressed for.

Both the parties are directed to file list of their witnesses within 15 days, with an advance copy supplied to each other.

Put up for PE on **05.10.2026**. Advance copy of evidence affidavit be supplied to the opposite party at least 10 days prior to next date of hearing.

(CHANDER MOHAN)  
District Judge-14, LAC,  
Central, THC, Delhi/03.08.2026