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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 5/2012 and IA Nos. IA Nos. 14446/2012, 22754/2012, 923/2013, 17118/2013, 2347/2014, 21884/2014, 21982/2014, 21983/2014, 21984/2014, 21985/2014 & 665/2017

YASHWANT SINGH Plaintiff

Through: Mr Prabhat Kumar, Advocate
alongwith Plaintiff in person.

versus

ASHUTOSH VERMA Defendant

Through: Mr Jai Sahai Endlaw, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.02.2017

IA No. 7501/2016

The plaintiff has filed the present application, *inter alia*, alleging that the orders passed on 21.12.2012 and 12.11.2014 have been violated. It is alleged that the order dated 12.11.2014 has been violated to the extent that the defendant has constructed a porta cabin on the first floor in the common space. It is further alleged that the defendant has placed a water tank on the ground floor and the same violates the order passed by this Court on 21.12.2012.

Insofar as the construction of porta cabin is concerned, the learned counsel appearing for the defendant states that the porta cabin is not in the common space but in the balcony of the first floor, which is a part of the premises in occupation of the defendant. However, he states that he has no objection to removing the same. Insofar as the placement of water tank on



the ground floor is concerned, he states that the same is occasioned because the defendant was not having adequate supply of water; this was mainly for the reason that the plaintiff had declined to share the same. This is stoutly disputed by the learned counsel for the plaintiff.

In view of the above, insofar as the removal of porta cabin is concerned, the defendant is bound down to the statement made by the learned counsel for the defendant. However, insofar as the placement of water tank on the ground floor is concerned, it is apparent that there are issues between the parties in relation to the usage of water and the same being an essential utility cannot be denied to the defendant. This Court finds no reason to restrain the defendant from placing the water tank on the ground floor. The order passed on 21.12.2012 which restrained the defendant from causing hindrances in usage of the ground floor portion, obviously would not extend to placing of a water tank that is essential for enjoyment of the premises in possession of the defendant.

The application is, accordingly, disposed of.

CS(OS) 5/2012 and IA Nos. IA Nos. 14446/2012, 22754/2012, 923/2013, 17118/2013, 2347/2014, 21884/2014, 21982/2014, 21983/2014, 21984/2014, 21985/2014 & 665/2017

List on 21.02.2017, the date already fixed.

VIBHU BAKHRU, J

**FEBRUARY 01, 2017
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