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

+ **CONT.CAS(C) 206/2024 & CM APPL. 6876/2024**

NARENDER KHANNA

..... Petitioner

Through: Ms. Ambareen, Mr. Siddharth Joshi,
Mr. Zaki & Mr. Vikrant Bhallav,
Advs.

versus

SMT. HARSH BALA & ANR.

..... Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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05.02.2024

CM APPL. 6876/2024 (For Exemption)

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

CONT.CAS(C) 206/2024

3. The present petition has been filed alleging willful disobedience of the order dated 09th January, 2023 passed in *CS No. 918/2022*.
4. It is submitted that the petitioner had filed the aforesaid suit seeking mandatory and permanent injunction against the respondent which was disposed of vide judgment dated 09th January, 2023 with the following directions:

“xxx xxx xxx

"18. Further, perusal of case file reveals that joint statement dt. 22.12.2022 has been recorded of defendant no. 1 and 2 wherein it is stated by the same that:

"We are not raising any construction in the suit property and further construction, if any, will be carried out by us only as per law. Further, our property has already been regularized by the MCD. "



19. In light of the joint statement as discussed above, same shall be deemed as admission on behalf of defendant no. 1 and 2 to not raise any further construction on the suit property without following due process of law. On the basis of said admissions, the plaintiff is thus entitled to the relief of permanent injunction restraining defendant no. 1 and 2 from raising further unauthorized construction in the suit property.

20. As such, for the reasons stated above the present application u/o XII Rule 6 CPC so moved by the plaintiff stands allowed with regard to relief of permanent injunction.

21. In view of the same, defendant no. 1 and 2 are restrained from raising any unauthorized construction over the suit property and construction, if any, shall be raised only as per law. Decree sheet be prepared accordingly.”

5. It is submitted that despite being restrained from carrying out any unauthorized construction over the suit property, the construction is being carried out by the respondents. Attention of this court has been drawn to the photographs, which have been attached as *Annexure P-2* along with the present petition.

6. Issue notice to the respondents, returnable on 12th March, 2024.

MINI PUSHKARNA, J

FEBRUARY 5, 2024/kr