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

+ **CS(OS) 8/2020**

MRS. USHA CHURAMANI

..... Plaintiff

Through: Mr. Ankit Jain, Mr. Abhay Pratap
Singh and Ms. Sunaina Bhatia,
Advocates.

versus

SH. RAKESH KUMAR SHARMA & ORS. Defendant

Through: Mr. Sameer Dewan, Advocate for D-1
to D-4.
Mr. Gaganpreet Chawla, Advocate
for D-5.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

11.05.2022

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I.A. 5718/2022

1. This is an application on behalf of defendant No.1 seeking modification of order dated 13.01.2020 to the extent that defendant No.1 be permitted to use the front two rooms, facing the garden, for running of a play school, day care and to make appropriate changes in the property for the same.

2. Learned counsel appearing for defendant No.1 submits that defendant No.1 is constrained to seek this relief as she wishes to settle her daughter, who is having certain issues and is not being supported by her family.



3. Learned counsel for defendant No.1 further submits that defendant No.1 shall open a play school only if permissible in law and after obtaining due permissions from the concerned authorities. He further submits that defendant No.1 is willing to undertake that as and when directed by this Court, premises shall be restored to the condition as existing today and the play school shall be shut.

4. Learned counsel for the plaintiff and defendant No. 5 submits that they *inter alia* object to the opening of play school on the ground that it is not permissible in the subject premises.

5. Without prejudice to the objection, the order dated 13.01.2020 is clarified to the extent that defendant No.1 would be allowed to approach the concerned authority for grant of permission to open a play school, day care.

6. If approached, the concerned authority shall consider the application in accordance with law without being influenced by any permission granted by this Court.

7. Further, in case any objections are filed by any of the parties to the Suit, the concerned authority shall expeditiously dispose of the objections in accordance with law.

8. Defendant No.1 at the time of submitting application to the Corporation shall duly intimate the plaintiff as well as defendant No.5 of the moving of the application.

9. It is clarified that this would be without prejudice to the rights



and contentions of the parties and no special equities shall flow in favour of defendant No.1. Defendant No.1 shall also file an affidavit in the above terms within two days.

10. Application is disposed of in the above terms.

SANJEEV SACHDEVA, J

MAY 11, 2022
NA