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

+ **CS(OS) 342/2023**

AKSHAY KUMAR JAIN

..... Plaintiff

Through: Mr.Rajeshwer Kumar Gupta with
Mr.H.C.Vashisht, Advts.

versus

SAROJ JAIN & 2 ORS.

..... Defendants

Through: Mr.Siddharth Mittal and Mr.Abhijeet
Varshnay, advts.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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14.03.2024

I.A. 10438/2023 (under Order XXXIX R 1 & 2 CPC)

The present application has been moved for interim injunction with the following prayer:

“a) pass ad-interim ex-parte order thereby restraining the defendants directing them, their agents, servants, assigns, administrators and authorized representatives etc. from letting out, alienating, selling, mortgaging or changing the tenants & nature and structure of the property in any manner by addition, alteration or renovation of Basement, Ground and Third Floor portions of the property No. 69-F, Gautam Nagar, New Delhi, in any manner till the disposal of the suit by this Hon'ble Court;
b) after passing ad-interim ex-parte injunction order as above, the same may kindly be made absolute till the disposal of the suit by this Hon'ble Court, New Delhi-110019.”

After hearing both the parties at length, the following order is passed with the consent of both the parties:

(i) Defendants shall not create any third party interest in respect of basement, ground, and third-floor portion of property bearing No. 69-F,



Gautam Nagar, New Delhi.

(ii) The defendants shall inform the court if there are any changes in the tenants in the property.

(iii) The defendants can only carry out necessary renovation/repair/maintenance in the property for the purpose of safety/day-to-day use, however, such renovation/repair/maintenance shall be done after informing the plaintiff. The defendants shall also ensure that necessary renovation/repair/maintenance should not cause any inconvenience to the plaintiff.

(iv) The plaintiff shall allow the defendants to enjoy the common usage area and passage to the roof for the purpose of maintaining the water tank and antenna. However, the defendants shall inform the plaintiff in advance.

With these observations, the present application stands disposed of.

CS(OS) 342/2023

Learned counsel for the plaintiff seeks time to file the rejoinder. Let the rejoinder be filed.

List the matter before the Joint Registrar (Judicial) for completion of pleadings and admission/denial of the documents on 25.04.2024.

Since it is a family dispute, let the matter be referred to the Delhi High Court Mediation and Conciliation Centre. Parties are directed to appear before the Organising Secretary, the Delhi High Court Mediation and Conciliation Centre on 28.03.2024 at 3 p.m.

DINESH KUMAR SHARMA, J

MARCH 14, 2024

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