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

+ CS(OS) 339/2022

MATA AMRITANANDMAYI MATH THROUGH AUTHORIZED
REPRESENTATIVE OM PRAKASH AGED ABOUT 53 YEARS
AMRITAPURI, P.O. KOLLAM, KERALA Plaintiff

Through: Mr. Tejas D. Karia, Advocate with
Ms. Nidhi Nagpal, Ms. Sukhda Kalra
and Mr. Adarsh Kumar, Advocates.

versus

ANIL KUMAR JAIN & ORS. Defendants

Through: Mr. Vaibhav Gaggar, Ms. Sumedha
Dang, Mr. Somdev Tiwari and Mr.
Utkarsh Tiwari, Advocates for D-1.

+ CS(OS) 340/2022 & I.A. 9119/2022 (u/s 149 CPC)

ANIL KUMAR JAIN Plaintiff

Through: Mr. Vaibhav Gaggar, Ms. Sumedha
Dang, Mr. Somdev Tiwari and Mr.
Utkarsh Tiwari, Advocates.

versus

MATA AMRITANANDAMAYI MATH & ORS. Defendants

Through: Mr. Tejas D. Kariya with Ms. Nidhi
Nagpal, Advocates for D-1 to 4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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01.06.2022

I.A. 9114/2022 & I.A. 9115/2022 in CS(OS) 339/2022 (both for exemption)

I.A. 9116/2022 in CS(OS) 340/2022 (for exemption)



1. Subject to the plaintiffs in the two suits filing the original, certified, legible, translated, typed copies of any dim/handwritten documents on which the plaintiffs may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The applications are disposed of.

I.A. 9119/2022 in CS(OS) 340/2022 (u/S 149 of CPC)

3. Subject to the plaintiff depositing the deficient court fees within two weeks, the present application is allowed.

CS(OS) 339/2022

4. Let the plaint be registered as a suit.

5. Issue summons to the defendants in the suit.

6. Summons are accepted on behalf of counsels for the defendant no.1.

7. Summons be issued to the remaining defendants through all modes.

8. The written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff.

9. Liberty is granted to the plaintiff to file replication to the written statement(s) within fifteen days from the receipt of the written statement(s). Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

10. List before the Joint Registrar on 5th September, 2022 for completion of service and pleadings.

CS(OS) 340/2022

11. Let the plaint be registered as a suit.

12. Issue summons to the defendants in the suit.

13. Summons are accepted on behalf of the counsels for the defendants



no.1 to 4.

14. Summons be issued to the remaining defendants through all modes.

15. The written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiff.

16. Liberty is granted to the plaintiff to file replication to the written statement(s) within fifteen days from the receipt of the written statement(s). Along with the replication filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

17. List before the Joint Registrar on 5th September, 2022 for completion of service and pleadings.

I.A. 9113/2022 (O-XXXIX R-1 & 2 of CPC) in CS(OS) 339/2022

I.A. 9117/2022 (O-XXXIX R-1 & 2 of CPC) in CS(OS) 340/2022

18. Issue notice.

19. Notice is accepted by the counsels appearing on behalf of the defendant no.1 in CS(OS) 339/2022 and the defendants no.1 to 4 in CS(OS) 340/2022.

20. Issue notice to the remaining non-applicants/defendants through all modes.

21. Reply be filed within four weeks.

22. Rejoinder thereto, if any, be filed within two weeks thereafter.

23. The dispute in the two suits relates to the 'subject land' located in Khasra No. 17/2/2. However, no demarcation in respect of the subject land falling in the said Khasra has been done till date. The plaintiff in CS(OS) 339/2022, Mata Amritanandmayi Math Trust (hereinafter 'MAM Trust') and the plaintiff in CS(OS) 340/2022, Anil Kumar Jain are claiming ownership



rights in respect of the subject land located in Khasra no. 17/2/2. There is no clarity at this stage with regard to the location of the respective portions of the land owned by each of them.

24. It is the case of Anil Kumar Jain, that he had direct front access to his land from the internal road. On 8th April, 2022 and on 9th April, 2022, the defendants no.2 and 3 in CS(OS) 340/2022 broke open the lock of the gate installed at the subject land, demolished the wall around the gate and began to construct a new wall, which completely denies access to Anil Kumar Jain to his land.

25. There is a dispute between the parties as to where the new wall constructed by the MAM Trust is located. Anil Kumar Jain claims that the entire subject land, as shown in the photograph at page no.97 of the documents filed by him in CS(OS) 340/2022, the hut and the land behind it belongs to him, whereas, the MAM Trust claims that the entire parcel of land belongs to the Trust.

26. However, at this stage, without going into the question of which portion of the land belongs to which of the parties, in order to balance equities, the Court is of the view that Anil Kumar Jain cannot be denied access to his portion of the land, which was available to him before the present wall in question was constructed.

27. Accordingly, without prejudice to the rights and contentions of the parties, the MAM Trust is directed to provide access to Anil Kumar Jain to the subject land from the internal road as he had prior to April, 2022.

28. The Sub-Divisional Magistrate (SDM) of the area concerned is directed to carry out demarcation of the subject land and identify the land which falls under Khasra No. 17/2/2. This exercise shall be done in presence



of Anil Kumar Jain and the MAM Trust or their representatives/attorneys.

29. Till the next date of hearing, the parties are directed to maintain status quo in respect of the land comprised in Khasra No. 17/2/2.

I.A. 9118/2022 (O-XXVI R-9 of CPC) in CS(OS) 340/2022

30. Taking into account the rival contentions, it is deemed apposite that a Local Commissioner is appointed to visit the subject land.

31. Accordingly, Mr. Kamal Kumar, Advocate (Mobile no. 9650099833) is appointed as the Local Commissioner, who shall visit the subject land and inspect the same. The following directions are passed in this regard:

- I. The Local Commissioner shall, along with the representatives of the parties and/or the counsels appearing on behalf of the parties, forthwith visit the subject land and take photographs and/or videographs of construction activity that is being carried out thereon.
- II. The Local Commissioner shall also determine the current status of any construction that exists on the subject land.
- III. The Local Commissioner shall file his report within two weeks after executing the commission along with the photographs and/or videographs.
- IV. The Local Commissioner shall, after consulting with the counsels for the parties, also indicate in his report from where access can be granted to Anil Kumar Jain from the internal road to the subject land for ingress and egress.
- V. The concerned Station House Officer of the Police Station having jurisdiction over the premises to be visited by the Local Commissioner shall render necessary assistance, if required, to



the Local Commissioner.

- VI. The parties/representatives are directed to provide full assistance to the Local Commissioner for executing the present commission.
- VII. The fees of the Local Commissioner is fixed at Rs.75,000/- plus out of pocket expenses, to be borne by the plaintiff.
32. List before the Court on 11th November, 2022.

AMIT BANSAL, J

JUNE 1, 2022

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