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

+ **CM(M) 806/2019**

BABA HARBAN SINGH

..... Petitioner

Through : Mr.S.N.Kalra and Ms.Meenakshi
Kalra, Advocates.

versus

GOBIND SADAN MANAGEMENT COMMITTEE Respondent

Through :

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **22.05.2019**

CM APPL No.24728/2019

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL No.24730/2019

In view of the reasons explained in the application the requisitioning of TCR is dispensed with at this stage.

The application stands disposed of.

CM(M) 806/2019 & CM APPL No.24729/2019

This petition challenges the impugned order dated 06.05.2019 passed by the learned Trial Court whereby permission has been granted to the respondent for repair / maintenance of the subject property allegedly owned by the petitioner herein.

It is submitted in this Court in CS (OS) No.766/2008 on 27.01.2009 had directed the parties not to create any third party interest or make any constructions, additional or alteration in the subject property.

As the respondents made an attempt to further construct the property, a contempt application was filed and is pending till date. In the meanwhile, the respondents filed an application under Section

151 CPC seeking following repairs:-

(i) More Water-Harvesting Tanks to meet the severe water shortage problem in summers.

(ii) Additional Roof top solar installations to help the residents overcome the frequent power cuts in summers.

(iii) Additional Pipi and Taps for ablutions at Mosque.

(iv) Attached Bathroom for Senior Citizens devotees who cannot walk up with to Community Bathrooms.

(v) 4 Toilets for workers like gardeners, workers looking after farming, maintenance of Gobind Sadan, helping in cooking langars, cleaning, sanitation etc. who live on the hillside; who resort to open defecation as there are no toilets on the Hillside. Especially women and other and female workers at problem in resorting to open defecation.

(vi) Replacement of current ceiling height which is 5 feet at present to 11 feet in seven small rooms; where these employees/workers as mentioned in sub para (v) are living and replacement of tin sheets, which have rusted with ACC sheets.

It is the grievance of the learned counsel for the petitioner that despite the pending contempt application, the learned Trial Court vide the impugned order had allowed the respondents to further carry out improvements in the premises under the grab of repair and maintenance. It is alleged no permission from the MCD nor the approval of seven members committee as stated in the Will dated 28.02.2017 has ever been obtained.

Issue notice to the respondent through all modes returnable on 05.09.2019 and in the meanwhile, the constructions of the toilets, attached bathrooms, replacement of ceiling heights etc be kept in abeyance. Additionally, dasti notice through the learned counsel for respondent as appearing before the learned Trial Court. Order *dasti*.

YOGESH KHANNA, J.

MAY 22, 2019

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