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

+ **CS(OS) 274/2020**

**I.A. 8451/2020 (under Order XXXIX Rule 1 and 2 CPC)**

**ANGAD SINGH REKHI & ORS.**

**..... Plaintiffs**

Represented by: Mr. Sanjeev Sidhwani, Sr. Advocate  
with Ms. Meenakshi Midha, Mr. Kapil  
Midha and Ms. Pritika Juneja,  
Advocates with plaintiffs – Mr. Angad  
Singh Rekhi and Mr. Charanjit Singh  
in person through video conferencing.

**versus**

**SATBIR SINGH KOCHAR**

**..... Defendant**

Represented by: Mr. Annirudh Sharma, Advocate for  
defendant.  
Ms. Trisha Mittal, Advocate (Local  
Commissioner)

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**% 22.10.2020**

The hearing has been conducted through Video Conferencing.

**CS(OS) 274/2020**

**I.A. 8451/2020 (under Order XXXIX Rule 1 and 2 CPC)**

1. Summons in the suit and notice in the application were issued by this Court on 23<sup>rd</sup> September, 2020, which were accepted by Mr. Manpreet Singh Advocate, learned counsel for the defendant, who had entered appearance on that day.
2. The report of the learned Local Commissioner has been placed on record, it shows that the defendant is occupying and misusing the common



parking area/ stilt and he has kept refrigerator, almirahs and garbage bin etc. on the stilt. Further, the key of the lock on the main gate is also with the defendant.

3. Despite an injunction order was passed in the presence of learned counsel for the defendant, when the inspection was carried out on 24<sup>th</sup> September, 2020 at 2.00 PM, the directions of this Court, restraining the defendant from blocking the main gate and using the stilt/ common parking area except for parking of motor vehicles, scooters etc. and not keeping other articles such as refrigerators, garbage bin etc., were not complied with.

4. Today learned counsel for the defendant states that the defendant has removed the refrigerator, however, the garbage bin was kept as a matter of practice of keeping the same in the stilt area for common usage.

5. Learned counsel for the plaintiff states that almirahs are still there on the stilt floor. Learned counsel for the defendant states that the almirahs do not belong to the defendant.

6. The concerned SHO, Rajouri Garden is directed to take away the almirahs under Section 102 of Cr.P.C.

7. As regards the seepage on the floor of the defendant, learned counsel for the defendant states that the problem lies on the first floor which is in occupation of the plaintiff and is common to all the floors of the building.

8. From the report of the learned Local Commissioner, it is evident that the leakage is on the second floor of the said property, which is in occupation of the defendant, resulting in damage to the ceiling, fans and whitewash of the first floor, which belongs to the plaintiff.

9. Considering the fact that despite the order was passed in the presence of the learned counsel for the defendant, defendant did not comply with the



order of injunction at least till the Local Commission was executed and even thereafter, issue Show Cause Notice as to why the proceedings under the Contempt of Court Act be not initiated against the defendant.

10. List on 6<sup>th</sup> November, 2020, when the defendant will be present before this Court through video conferencing.

11. Ms. Trisha Mittal Advocate, learned Local Commissioner is discharged from the proceedings.

12. Order be uploaded on the website of this Court.

**MUKTA GUPTA, J.**

**OCTOBER 22, 2020**

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