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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 274/2020**

ANGAD SINGH REKHI & ORS. Plaintiffs
Through : Mr.Kapil Midha and Ms.Pritika
Juneja, Advocates.

Versus

SATBIR SINGH KOCHAR Defendant
Through : Mr.Aniruddh Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **12.01.2022**

1. The hearing has been conducted through Video Conferencing.

I.A. 521/2022

2. This application is filed by the plaintiffs under Order 39 Rule 2A CPC read with Section 151 CPC against the defendant stating inter alia the defendant is violating the order dated 23.09.2020 passed by this Court which is as under:

“8 Considering the nature of disputes between the plaintiffs and the defendant besides the two other persons who are the owners of their respective floors with 1/ 4th indivisible rights in the suit property i.e. common area of stilt and parking area, the defendant cannot use the property in the manner so as to detriment the living of the plaintiffs or the other two inhabitants in the ground floor and the third floor of the suit property. Consequently, till the next date of hearing before this Court, the defendant is restrained from blocking the main gate and in case, locks are required to be put on the main gate in night, duplicate keys thereof will be handed over to the plaintiffs and other occupants so that all the occupants have access to the common areas. The defendant is also restrained from using the stilt/ parking area for any other purpose except for parking the motor vehicles, scooters etc. and



no other articles such as refrigerators; garbage etc. will be kept in the tilt area of the suit property by the defendant till the next date of hearing”

3. Thereafter, an order dated 22.10.2020 was also passed which read as under:

“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.”

4. It is the submission of the learned counsel for the plaintiff, the defendant has blocked the ingress and egress to the parking area by parking his car on the main gates of the subject premises, whereas learned counsel for the defendant who appears on advance notice submits it is the plaintiff's wife who blocked the gates of the building. Both the parties have shown me the photographs making allegations against each other.

5. It is the submission of the learned counsel for the defendant he has been using gate No.2 since beginning and the said gate with parking slot is allocated to him and which is highly disputed by the learned counsel for the plaintiff. Since it is the dispute between the neighbours/residents of the same building it would be appropriate if the matter is sort out in mediation.

6. In the meanwhile, none of the parties or their guests shall park their cars/vehicles outside the gate to block the ingress and egress of any of the parties.

7. Qua another issue viz. removal of the plastic sheets from the rear area leading to water seepage on the floor of the plaintiff, let this issue be sorted



first by the parties in the mediation and thereafter this application be taken up.

8. Let both the parties appear before the Organising Secretary of the Delhi High Court Mediation and Conciliation Centre, New Delhi to settle their issues on 17.01.2022 at 02:30 PM.

9. List before Court on 21.03.2022.

I.A. No.10194/2020

10. In view of the order passed above, the application stands disposed of.

YOGESH KHANNA, J.

JANUARY 12, 2022

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